

1645

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ARCHÆOLOGIÆ  
ATTICÆ  
LIBRI TRES.

THREE BOOKES OF THE  
ATTICK Antiquities.

CONTAINING

The description of the Cities glory , govern-  
ment, division of the People, and Townes with-  
in the *Athenian* Territories, their Religi-  
on, Superstition, Sacrifices, a account of  
their Year : as also a full relati-  
on of their Judicatories.

---

By FRANCIS ROUS Scholler of *Merton*  
Colledge in *Oxon*.

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ARISTIDES.

Προκαίλητοι τὰς ἀκοὰς, ἐπερχόμεθα, μᾶλλον ἔχοντες ἔργον ὃ, π. φυ-  
λαξίμεθα ἢ ὅταν χρησόμεθα, εὐρεῖν. When others have in  
the same Argument preoccupied mens eares, they that  
speak afterward of the same subject, have a greater trou-  
ble to consider what they must passe by unsaid, then what  
to say.

L O N D O N,

Printed for JOHN WILLIAMS, and are to be  
sold at his shop in *Pauls* Church-yard at the  
signe of the Crowne, 1 6 4 5.

1890

1891

1892

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TO THE  
RIGHT VVORSHIPFULL

S<sup>r</sup> NATHANIEL BRENT Knight,

*Vicar Generall, and the most vigilant*

*Warden of Merton College*

*in OXFORD, Health,*

*&c.*

**I**T is the custome of most, to impose a patronage of their errours upon some eminent person. But it shall bee my ambition in this my Dedication to manifest my observancie. Others make their choice of potent men, thereby to shun the darts of envy. It shall be my glory to be thought worthy of invidency; whose ignorance is not so great but well  
\* 2 knowes



## THE EPISTLE

knowes that ever some will bite in secret; and scourge these errours of my youth with private reproaches. But such malignant tongues I will counterpoise with the winde; and let as lightly by as they are vaine. And although I am confidently periwaded that the covert of your wings bee sufficiently able to shelter my faults; yet had I rather to expresse my dutie towards you in these naked infirmitie, whose goodnesse truly knowes how \* to pardon the bold adventures of learning. I present you therefore with ATHENS, whose deplorable raggednesse my papers well resemble, which may challenge this excuse, that they assimilate themselves to the Treatise in them contained: VVhich of all men, I my selfe am conscious most unfitly to have handled. That Citie once the \* nurse of reason; \* which flourisht in eloquence, and brave atchievements, more then all Greece, could not, unlesse in her milerable ruines; have without her disgrace beene spoken of by mee. That ATHENS whence the learned Fathers of the Church suckt rare Literature; Basil his eloquence

\* Ausis literarum ignoscere  
Vegetius in  
Prolog.

\* Cic. Epist.  
\* Patercul. in  
fine Lib. I.

# DEDICATORY.

eloquence, Nazianzen his strength, and others  
 their flowing Oratory. That ATHENS which  
 who had not scene is by \* *Lysippus* accoun-  
 ted a blocke. Accept, *Honoured Sir*, these Re-  
 liques of that famous Vniversitie, though by  
 me offered, as Devotion paid to Antiquitie,  
 by you well esteemed of, though among  
 most of these our daies accounted dirt;  
 whose labour it is to seeke new fashions, and  
 like nought but what may bee accounted no-  
 velty. Resembling the brute, of which *Cice-  
 ro. Ad id solum quod adest, quodq; praesens est se  
 accommodat, paulum admodum sentiens prae-  
 teritum, &c.* never caring for what is past. But  
 you weigh well the excellencie of talking  
 with those Champions of Learning, hun-  
 dreds of yeares since gathered to their former  
 dust. By whose pensils wee see drawne the  
 lively images of deceased Monarchs, the  
 forms of government, and very lives of states.  
 Out of which patternes, if you please to  
 deeme the least part of this to have beene ta-  
 ken, it shall heape to my joy that the follow-  
 ing Tract will not seeme a spurious and de-

\* Apud Di-  
 cearchum  
 Etiam tēdē-  
 αου τῆς Α-  
 θῶνας, ὅθεν  
 ἔλαβον.

THE EPISTLE &c.

generate off-spring. Vpon presumption of which I feare not, as the Eagles doe their young, to expose my brood to the rayes of the open Sunne. Thus with continuall wishes for addition to your happinesse, I take leave. From my Study in *Merron College*, Jun. 9. 1737.

*Your Worships in all humility*

*to be commanded*

F. Rous.



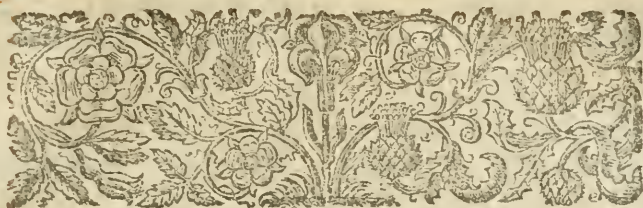
## To the Reader.

**I**T is not the thirst of empty glory that makes me runne hazard of your censure, but a consideration of the weaknesse of Schoolemasters, who undertake to read the Greeke Orators to raw Schollers, themselves being not ripe in the Attick castomes. I have therefore so farre endeavoured as you see. If any thing may afford a scruple to any, he shall engage me that will require satisfaction. If any thing seems amisse, it shall be taken by me as a favour to heare of it from any. For I am not of those whose ears are stoppt, when their errors are told them. If this please it shall adde spurres to the finishing of this course intended; and as occasion may give leave, you shall have the rest that may be spoken.

THE  
JOURNAL OF  
JAMES M. SMITH

1847  
JANUARY 1st  
Left New York for  
the West. Arrived  
at St. Louis on  
the 10th. Stayed  
at the Hotel de  
la Ville. The  
city is very  
large and  
beautiful. The  
people are  
very kind and  
friendly. I  
will stay here  
for a few days  
before going  
on my journey.  
I will write  
you again soon.  
Your friend,  
James M. Smith





# ARCHAEOLOGIAE ATTICÆ

LIB. I. CAP. I.

*Javan, Jas, Jaones, Jonia, Αἰθίω. Ἀρτιά. Αἰθί. Athena in ætæ,  
Cecropia, Cranaæ, Atthis, Attica, Athena sub Cecropei  
Certamen Palladis & Neptuni, Plutarchi ea de re sententia,  
alii sub Eretheo volunt nominari, Justinus sub Amphictyone.  
Salenos. Selines. Satine. Scithina.*



**B**Y the the sonnes of Noah \* were the Iles of <sup>a Gen. 10. 5.</sup> the Gentiles divided in their lands, every one after his tongue; when by their audacious folly they would have mounted up to heaven, thinking to leave a name to posterity, by building Castles in the ayre. From which attempt p roceeded that which before they were jealous of, namely, a scattering abroad upon the face of the earth; he having so spoken it, whose breath alone affords a faire wind: hoyst then they must their Sailes, and bidding adieu to the plain in the land of *Shenar*, seeke out some new habitation. Travel- lers they were of yore, and yet still must journey. Each one in as different a course, as of a divers language. The sonnes of *Shem* their way, the sonnes of *Japhet*, theirs. *Gomer* and *Ma- gog*, and *Adadai* and *Javan*, with whom I purpose one furlong

to keepe company, leaving the rest on one side or other, or  
 behinde, looking only to my proposed scope. <sup>a</sup> Ἀπὸ τῆς Ἰαυάνης  
 Ἰωνία καὶ πάντες Ἕλληες μετόπισθε. From *Iavan* came *Ionia* and all  
 the *Greekes*. And in Scripture we have *Iavan* put for *Greece*;  
 in *Daniel* twice, <sup>b</sup> And when I am gone forth, loe the Prince of  
*Grecia* shall come. And again, <sup>c</sup> He shall stirre up all against  
 the *Realme of Grecia*. Where although the old translation ren-  
 ders it not *Iavan*, yet it is so found in the original. He then  
 comming into the Country called afterwards *Attica*, left un-  
 to it his owne name, whence it was tearmed *Ionia* and *Ias*.  
 ἢ γὰρ Ἀττικὴ τὸ παλαιὸν Ἰωνία καὶ Ἰὰς ἐκαλεῖτο. For *Attica* was anci-  
 ently called *Ionia* and *Ias*. In which words we still retaine  
 some reliques of the radix, notwithstanding the small diffe-  
 rence of the termination. But if we please to view after  
 what title the *sonnes of Iavan* were stiled *laones* wee shall  
 come neerer home. *Strabo* in the above quoted place, Οὗ τῆς πε-  
 νητὸς ὅταν εἴη - Ἐνθάδε Βοιωτὸν καὶ Ἰάονες - τοῦ Ἀθηναίου λέγει. *Homer*  
 when he saies, *There the Boetians and laones* speaks of the  
*Athenians*. The *Scholiast* of *Æschylus* on these words,

<sup>c</sup> Ἰάονες γὰρ οὐκ εἰσὶν Πέρσαι θεῶν

Ἰσέον δὲ ὅτι Ἰάονες εἰς Ἀθηνῶσι λέγονται ἐκ τοῦ Ἰάονος Βασιλεύοντος  
 αὐτῶν. It is to be understood, quoth he, that the *Athenians* are  
 tearmed *laones*, from one *laon* (he means *Iavan*) that was their  
 King. Neither is it strange that the *van* or *υ* φάν is left  
 out; for though it be not written, yet perswaded I am that it  
 was as much pronounced, as other *au* Diphthongs were. For  
 the *antique Latines* and the *Greeks* spake it as broad *a*, as if  
 it had been *thesaros* not *thesauros*. So *Walter Raleigh* is of opi-  
 nion that *Asia* the lesse had people before *Greece* had any, and  
 that *Iavan* did not fly from *Babylonia* into *Greece*, but tooke *Asia*  
 the lesse in his passage, and from thence past over t he nearest way,  
 leaving his owne name to some maritime Province on that side  
 as he did to that part so called. In which, although the authori-  
 ty of so worthy and judicious a man might move much, yet  
 it shall be sufficient for me, only to goe so far, as antiquity  
 will

<sup>a</sup> Joseph. An-  
 tiq. l. i. c. 7. p.  
 13.  
<sup>b</sup> Dan. 10. 20.  
<sup>c</sup> Esay. 41. 2.

<sup>d</sup> Strabo l. 9. p.  
 392.

<sup>e</sup> In Persis  
 p. 133.

<sup>f</sup> Donat. in  
 Ter. p. 130.

will beare me out. <sup>a</sup> *Thucydides* reports that it is manifest, <sup>a</sup> Lib. x. p. 1. that all Greece was not *βελούτος* *διενοήθη*, firmly inhabited, but that there were continuall pilgrimages, or removings of the inhabitants, forsaking their former places, being driven out by a stronger and greater number. Wherefore when there was no safe traffique or commerce by sea or land, each manured his grounds for to have provent, alone to serve for present necessity, desiring no more then from hand to mouth; it being uncertain, how soone they might be compelled to get them thence. Whereupon they did more willingly change their seats; not taking grievous that sharp charge, *Veteres migrate coloni: Be gone you ancient Boores*. But the more fertill soyle had hard bickrings. *Theffalie, Boeotia*, and a great part of *Peloponnesus*, except *Arcadia*, was often invaded, and the old Lords expelled. *Τῶν γὰρ Ἀθηνῶν ἐν τῇ ὀπίπλευσιν διὰ τὸ λεπτόγυνος* *Thucid.* *ἀσπιότατον ἔσαν, ἀνθρώποι ὧν οὐκ ἔστιν οὐδὲν ἀπὸ τῆς γῆς.* But Attica, by reason of the thinnesse or barrennesse of the ground, was alwaies inhabited by the same men (none it seems being willing to leave his better, for a worse) not affording fuell to contention. Out of which peace sprung up so great a multitude, that Attica, even now swarming, and *ἐχὼν* *ἰκανὴς ἑστίς*, not able to contain and feed so many, is constrained to fend forth Colonies into Ionia, a region of Asia the lesse, which is reported by the Greeks to borrow denomination from *Ion* the son of *Xuthus*, or, as the Poets say, *Apollo* and *Crensa*, who in the words of *Enripides* is thought to be *Ἐκτίστην Ἀσιᾶς δ' Ἐχέτορος*, the maker or founder of Asia. The mother Ionia (for so I please to say) kept not still her former name, for in processe of time shee owned *Ἀἴλα*, from *Ἀἴλαον*, as <sup>d</sup> *Strabo* sayes, or from *Ἀἴλας*, according to <sup>e</sup> *Pausanias*, who was the first King thereof, by <sup>f</sup> *Tzetzes* on *Lycophron* called *Ἀἴλας*. But <sup>g</sup> *Dion Chrysostom* brings a more naturall reason then this, why it was *Ἀἴλα*, *Ἀἴλα* signifies a shore, both in the Greeke and <sup>\*</sup> Latine speech. <sup>\*</sup> *Varg. Æn. 5* Now because all of it within a little was washed with the sea, and <sup>h</sup> *ἀλιτινὴς*, it might challenge unto it self *Ἀἴλα*. *Dion* <sup>h</sup> *Strabo. l. 9. p. 391.*



ἡ δὲ γὰρ τὴν ἑλίου πύριν αὐτὴν ἰσὶ τὸν δὲ δαδ' ἀπὸ τοῦ ἑλίου ὅτι τὸν ἑλίου λα-  
 βὼν, ὃ ἀπὸ τοῦ πύριν ἔστιν. Hence *Atthis* by the Enigmaticall Poet in  
 his *Cassandra* is put for this country. *Tzetzes*. Because it is  
 (*Atta*) a cliffe, that is cast forth and lying in the sea. And  
*Athens* herselfe by *Plantus* is said *Athena* in *Atta*, pro *Athe-  
 nis Atticis*, as *Palmerius* hath noted. But this grew old after  
 a season, and *Cecrops* having married the daughter of *Atta*ns  
 glories in his *Cecropia* (and *Athens* (*Cecropia*, and *Cecropis ci-  
 vitas*, and after that *Cranae* from *Cranaus* the king that suc-  
 ceeded him.) This *Cranaus* among other of his daughters had  
 one *Atthis*, from whom also was derived *Atthis* and *Attica*,  
 next *Posidonia* and *Minerva*, from *Neptune* and *Pallas*. In  
 this region stood *Athens* Queen of Greece, so called, from  
 that victory which *Minerva* got over *Neptune*, when *Ce-  
 crops* moved with a prodigie of a sudden shooting up of an  
 Olive, and bubling forth of a salt spring in the *Acropolis*, con-  
 sulted the Oracle of *Apollo*, who taught them that the one did  
 signifie *Neptune*, the other *Minerva*, taking therefore the  
 men into suffrages for *Neptune*, and the women for *Minerva*,  
 who had most voices should carry it. The females being more  
 the Goddesse bore away the bell. Lo here a witty Divell to  
 bring in *empeius* deus, Gods of his owne making, to infold  
 the superstitious in an ignorant zeale. However let us leave  
 the shadow of poetickall fictions, and take the true draught out  
 of *Mythologie*. *Plutarch* is of opinion that the ancient kings  
 striving to draw away their subiects from seafaring negotiati-  
 ons, and a desire to live by sayling, untill tillage and manuring  
 of ground, gave occasion of the speech that *Neptune* and *Mi-  
 nerva* did altercate about the citie. *Εκείνοι δὲ*. &c. *Neptune* is  
 put for the Sea and busineses thereof, *Minerva* for Arts and  
 ingenuous kinde of life, nay sayes *Ovid* in his *Kalender*, *Mille  
 Dea est operum*, she is Goddesse of a thousand trades. Others  
 say that the City was consecrated to her by *Amphillyon*, *ὃ  
 nomen civitati Athenas dedit*. *Justin*. Others in the time of  
*Erethicus*, among which is *Herodotus*, will have this name  
 given

a Pag. 22.

b In Spicilegus

c Strabo &  
Paus. locis  
præd.

d Varro apud  
August. l. 18.  
e g. cc. civis.  
D. 1.

f In Them. p.  
87. l. 23.

g Lib. 2.

given. Which Author<sup>a</sup> *Marcianus Heracleota* doth follow, <sup>a</sup> ἐν ἀεὶ ἀντι-  
σει.  
 ὡς ἐροῖται ὁ χρόνος Ἐρεχθεὺς τὸ πόλεως ἱγυμῆς ἀπὸ τῆς Ἀθῶναις τῶν πα-  
 σσιν ἐλάν λαβόν. This was that *Erechtheus*, who in a time of  
 droughth over all the world except *Egypt*, brought corne to  
*Athens*, and taught the *Eleusinian mysteries*. Beholding this  
 Citie hath been to *Egypt* for other kings; to wit, <sup>b</sup> *Cecrops* <sup>b</sup> Aristoph.  
sch. pag. 79.  
Tzet. in  
Licoph. p. 23.  
 and *Menestheus*, for his father *Petes* was an *Egyptian*. In  
 the time of *Diodorus Siculus* and before him was it a recei-  
 ved opinion that *Athens* was peopled by the *Egyptians*,  
*Sais* in that tongue answering to *Athene* in Greek, as *Tzetzes*  
 out of *Carax*. Nay that they should be of the inhabitants of  
*Sais*, they argue from this. Because that the *Saitæ* and *Athe-*  
*nians* have divers customes alike. Witnesse *Diodorus Siculus*.  
 But it pleases not me. I conjecture that first it was called *A-*  
*thens*, when the people began more seriously to addict them-  
 selves to civill government, and study of good literature;  
 knowledge and art being ascribed to *Minerva*. Τῇ δὲ Ἀθῶναι  
 τὴν δῆμιον ἀεὶ πῶς καὶ τὴν Τεχνῶν. saies <sup>c</sup> *Aristotle*. Nay her  
 name being derived from thence, *Ἀθῆνα* in the *Chaldy* <sup>c</sup> Polit. l. 8. c. 9.  
 tongue signifying to *study* or *learn*: from which come *thena*  
 and with an article *Hatthena*, as <sup>d</sup> *Heinsius* the most learned. <sup>d</sup> In Aristar.  
Sac Synt. l. c. 1  
p. 27.  
 As for the conceit of *Goropius Becan*, from *ana* the number of  
 three which notes eternity, and so from *bat-het-ana*. *Athens*.  
 Because wisdom doth containe eternity, let us send it back  
 into *Germany*. Loe now *Athens* named from learning, which  
 was once the <sup>e</sup> *shop of letters* and the *Muses*, whereof it is now  
 deplorably destitute, having lost the glory of former *Athens*, <sup>e</sup> Isidor.  
 nay the name it selfe. For if we beleve some they tell us,  
 that now it is *Salenos* or *Selines*. To whom I accord not. Be-  
 cause that I have read *Selines* for *Megara* called *Nisæa*, which  
 is not many miles from *Athens*. Furthermore in discourse  
 with a native of *Peloponnesus*, who lived many years in that  
 City, I had no other appellation from him then *Atece*, which  
 others write *Satina* corrupted as *Portus* and *Meurinus*. truly  
 thinke for his Ἀθῶνας. Nay <sup>f</sup> *Hugo Favolius* who was there <sup>f</sup> In. Hodyp.  
Byz. l. 3.



himselfe even to the same purpose names it *Sethina*.

*Undiq; sic misera nobis spectantur Athenæ  
Dadala quas Pallas sese coluisse negaret,  
Quas, Neptune pater, nunquam tua mania dicas  
Indigena Sethina vocant:—*

We wretched *Athens* round do view, which now,  
Though once ingenious *Pallas* love, 's her shame,  
And t'have beene thine, *Neptune*, would'tt disavow,  
To which the Homebred give *Sethina* name.

## C A P. II.

*Athenarum situs.* Ἀθ. πόλις. Ἀκρόπολις. *Herba lucentes, Minus, Pelasgicus & Cimonius, Propylæa. Circuitus veteris urbis, & novæ, ἡ ἀνὰ & ἡ πρὸς πόλιν. Piræi brachia. Murus Phalericus. Porta. Aer. Laus passim apud scriptores. Cepheissus Fluvius.*

a In Panath.  
P. 171. 172.

**G**reece, saies <sup>a</sup> *Aristides*, is placed in the midst of the whole Earth, and in the midst of it stands *Attica*; the navell whereof is *Athens*; by which all *Greece*, closeted in the wombe of time, received nourishment, before an happy birth had brought her forth into the light. She is seated upon a very high rocke, which habitations doe encompasse, as

b Lib. 9. p. 396

\* Plin. Nat.  
hist. l. 7. c. 56.

<sup>b</sup> *Strabo*: on the top of which stands that renowned fabrick even to this day, which *Cecrops* from himselfe names \* *Cecropia*; of old Ἀθ. The City, by a kinde of excellence, in a bravado of their antiquity, concerning which they were in perpetuall contention with the *Argivi*. Witnes <sup>c</sup> *Pausanias*.

c In Att. p. 13.  
l. 16.

d Eunuch. act.  
5. sc. 6.

<sup>d</sup> *Terent, An in astu venit?* Donat. *Sic Athenienses urbem suam vocabant, unde ipsi incola Ἀσται vocantur.* So, saith he, the *Athenians* called their City, whence the Citizens themselves are called *astoi*, after that they called it πόλις

e Attic. p. 24.  
l. 43.

<sup>e</sup> *Pausanias*. Which in his time was called Ἀκρόπολις or the high City, although it be often interpreted *Arx* a Castle, which

which ever were sacred to *Minerva*, as <sup>a</sup> *Aristides*. Who therefore is by *Catullus* in his *Argonauticks* named *Divare-*  
*rinens in summis urbibus arces.* The Goddesse that keepes the  
*Turrets of Cities.* This only now remaines, the succour and  
shelter of the barbarous *Athenians*, being strongly furnished  
with men and armes, in which alone dwell *Ianizaries*, to the  
number of seven hundred thousand, as *Christophoro Angelo*  
told me, and avouched it, I fearing lest he had mistaken the  
number. As for the forces thereof <sup>b</sup> *Hugo Favolius* shall thus  
instruct you.

<sup>a</sup> Orat. in Mi-  
nerv. To. 1. p.  
21.

<sup>b</sup> Hodæp.  
Byz. l. 3.

*Arx tantum celebris hec tempore montis eodem*  
*Quæq; impôsta jugo est, vastas prospectat in undas*  
*Æquoris, & circum dispersa mapalia, & omnes*  
*Externo indigenas nœuo tutatur ab hoste,*  
*Nobilis arx, toto qua non est altera Graio*  
*Nota magis regno, validisq; instructior armis,*  
*Ignivomoq; magis tormentorum impete tuta.*

A Castle only famous at this day,  
Set on an hill, below which viewes the sea.  
The scattered thatcht sheds, that stand it about,  
The fort defends, and keeps invasion out,  
And natives safe. A fort; none noted more  
In Greece, which hath a better warlike store,  
Or it for fiery Canons goes before.

Upon the toppe of this Turret stand the fashions of Halfe-  
Moones most rarely gilded, after the manner of the *Ismae-*  
*lites*, who have the Moone in no small honour, as my much  
honoured Mr. <sup>c</sup> *Selden* hath observed. Of which Lunulets thus  
speaks *Favolius*,

<sup>c</sup> De Diis Sy-  
ris Syn. 2. cap.  
2. p. 288.

*Cujus inauratis longe rutilantia Lunis*  
*Ardua cœlivagas feriunt fastigia nubes.*

Whose tops with gilded Moons aspiring high,  
Doe knock the Clouds the pilgrims of the skie.

Neither may it passe obscurely which I have taken up being  
let fall from the mouth of an eye witnesse; namely that on the  
side.

side of this hill, on which the *Acropolis* is built, grows a certaine kinde of herbe, that farre off, in the night season, gives a most shining and glittering light, to which when a man shall approach, he shall discerne nothing but the herbe it self. Of which matter I seriously wish that I could testifie the truth. It was delivered to me, *bona fide*, with good credit. The walls that environ this, are none now, saies *Favolius*, but in former time it hath beene well fenced; some part thereof erected by those two *Tuscan* brothers, who leaving their country, lived here under the *Acropolis*, called *πελαργί*, *Pe-largi*, Storkes, *διὰ τὸ πλανῆν*, for their wandring, <sup>a</sup> *Strabo*, <sup>b</sup> *Plinie* sayes their names were *Euryalus* and *Hyperbius*. The two that first built houses of bricke at *Athens*, when formerly they had caves for dwelling places. But by the authority of *Pausanias*, though the Printers and Scribes have done both that Author, and the persons wrong, in putting a false name upon one of them, I will doe them none. Read then *Laterarias domus constituerunt primi Agrolas & Hyperbius fratres Atheniæ*, &c. <sup>c</sup> *Pausanias*. *φασὶ γὰρ Ἀγρόλαν καὶ Ὑπέρβιον*. From these was that part which they edified called *Pelargicum*. *Aristophanes in Avibus*.

<sup>a</sup> Lib. 9. p. 391  
<sup>b</sup> Nat. hist. l. 7.  
 c. 56.

<sup>c</sup> In Attic. p.  
 26. l. 34.

*ἦ τις δ' αὖ καθέξει τῆς πόλεως τὸ Πελαργικόν;*

The other part of the *Acropolis* which was left naked, *Cimon* the sonne of *Miltiades* clothed. *Pausanias* in the fore quoted place. These walls admitted no gate but one, so rarely beautified with that costly *Propylaum* or porch, on which *Pericles* is discommended by <sup>d</sup> *Demetrius Phalareus* for disbursing so great a summe of money. <sup>e</sup> For which he was not smally troubled how he might give up his accounts to the people; His Nephew *Alciades* therefore seeing him somewhat sad, and demanding the cause, to whom when his unkle replied, that it was about giving his accounts, seek rather, quoth he, how you may not give them. By which counsell the *Athenians* were entangled with that neighbour warre against the *Lacedemonians*, in which they found not vacancy for an audit.

<sup>d</sup> Tul. Off. l. 2.  
<sup>e</sup> Val. Max.  
 lib. 3. c. 7.

By



By the way it shall be fit to acquaint you with thus much, that it was not permitted to a dog to enter into the *Acropolis*, as <sup>a</sup> *Plutarch*, διὰ τὸ ἀκολάσει καὶ δυσώδεις it may be, for his heat in venerie and ill savour. Goats likewise sayes <sup>b</sup> *Varro*, came not thither, unlesse for a necessary sacrifice once, lest they should hurt the *Olive* which is said first to have sprung up there. The circuit of this *Acropolis* is said to be threescore stadia. Now a *Stadium* is about some <sup>c</sup> six hundred and twenty five feet, eight of which make a mile, it being the custome of the ancient Greekes, to measure the length or distance of grounds, or Cities, by the στάδια. The first City then is contained in seven miles and an halfe. But to this were added more houses able to make a City of themselves. And so indeed were they distinguished by ἡ ἄνω & ἡ κάτω πόλις, The upper and the lower City. <sup>d</sup> *Plutarch*, ἥ καὶ τὴ καὶ περὶ θαλάσσης στυγνότες, τὴν ἄνω πόλιν διαφυλάττει. Note here moreover, in the reading of your *Greece* Authors, that when you meet with τὸ ἄνω in the description of a country, you presently must conceive the higher part, if it be τὸ κάτω, *Thucydides*. <sup>e</sup> Ἐφερόν τε καὶ ἀλλήλους τε καὶ ἥν ἄλλων ὅσοι ὄντες ἔθαλάσσιοι κάτω ὄκυν. And they prayed upon each other, and among the rest who were not addicted to the sea, yet lived below, understand neare the sea, *Schol.* κάτω. ἢ τοι ἐγγυὲς τῆς θαλάσσης. The τὸ ἄνω then, and τὸ κάτω knit together made but one joynt corporation; both, as it were uniting *Piræum* unto themselves, tooke up, as <sup>f</sup> *Dion Chrysostom* writes, two hundred stadia, which is about five and twenty miles. Upon which place, *Morellus* produces a *Scholiast* testifying that the walls were μυλίων 15 ὅθι στάδιον ἔν, fiftene miles save one furlong. Where I wonder that the learned man had not estsoone perceived the number to have beene corrupt, and written κα for 15 twenty five for fifteen. For so it ought to be. Neither is it strange that it had so large bounds. For consider that from *Piræum* to *Athens* were reckoned five miles, as you may see in <sup>g</sup> *Plinie*, from *Athens* to *Phalerum*, and so to the other side of *Piræum* foure miles <sup>h</sup> and

<sup>a</sup> *Enlwp.*  
<sup>p.</sup> 175.  
<sup>b</sup> De re Rust.  
<sup>c</sup> Five feet make a pace, and a thousand paces a mile. *Isidor.*  
Or *g. lib. 15.*  
<sup>c.</sup> 16.

<sup>d</sup> In Phoc p. 549. l. 47.

<sup>d</sup> Lib. p. 6.

<sup>e</sup> Orat. 6.

<sup>f</sup> Nat. hist. l. 2.  
<sup>c.</sup> 85.

and a quarter. The utmost wall of which *Thucydides* speaks in his second book consisted of five miles a quarter and half, The girdle of *Piræum* and *Munychia* had seven miles and an half more. All which being put together make up but twenty two miles one quarter and one furlong. But *Dion Chrysostom* must be here understood; and it behoves us to conceive that he spake not barely of the naked wals, for then it cannot

<sup>a</sup> *Loco citato*. hold; but I suppose some houses to have been without <sup>a</sup> *περὶ*

<sup>a</sup> *περὶ* *κόλον*, as he saies, *τὸ ἀπὸ τοῦ λιμένος ὃ πᾶσι ἐν ταύτῃ ἐμπειται.*

In which I appeale to more judicious heads. Neither can I silently passe by the opinion of *John Meursius*, who reading

<sup>b</sup> *In A. cal.*

244. l. 37.

<sup>b</sup> *Pausanias* these words *Ἀθηνάϊοις μὲν διὰ τοῦτο μάλιστα ἐκόντιν ἀφίσταται τῆς πόλεως ἢ περὶ φάληρον θάλασσαν*, should presently

<sup>c</sup> *Ant. Lect. l. 3.*

obtrude to us, that *Pausanias* teaches, that the <sup>c</sup> wall called

*Gal.*

*Phalericus* is but twenty *stadia* or two mile and an halfe. When indeed he meant nothing lesse. For speaking of salt springs, which he calls *θαλάσσης κύματα*, he seems to involve a reason drawne from the nearnesse of the sea. For when he writes of this brackish well, *Among the Athenians, the sea which comes up neere Phalerus is distant from the City but twenty stadia at the most*, quoth he. Where *Amaseus* hath thus strangely doted. *Athene à Phalero absunt stadia hand amplius xx.* And that this was the meaning of the Author, proves that which followes. He might have likewise considered that *περὶ* with a Dative case signifies not onely *juxta* and *prope* as I have translated it; but *supra* sometimes, which will now serve better. And *Meursius* indeed blames the number; but sees not into the words. Now it is not needlesse

<sup>d</sup> *Lib. 37.*

<sup>e</sup> *Lib. 3. Eleg.*

39. p. 192.

<sup>f</sup> *In bello*

*Mith. p. 125.*

l. 9.

<sup>g</sup> *Pag. 355 l. 10*

<sup>h</sup> *In Pericle. p.*

115. l. 20.

that the two walls which joynes *Piræum* and *Athens* at so long a distance, be somewhat spoken of, seeing they are reckoned by <sup>d</sup> *Livie* among the *multa visenda*, Many things worthy of sight at *Athens*. These are the *μυρὰ ῥάδι*, in <sup>e</sup> *Propertius*, *— Thesea brachia longa via.* <sup>f</sup> *Appian* of *Alexandria*, *μυρὰ ῥάδι*, and <sup>g</sup> *Plutarch* in *Cimon*. One lying towards the North, of which <sup>h</sup> *Plutarch*. The other towards the South,

in.



in height above forty Cubits, as <sup>a</sup> Appian testifies. These are called δι μέτε τείχη by <sup>b</sup> Dion Chrysostom, because Athens being at one end, and Piræum at the other, these were drawn forth between. And when writers speak of Νόπον διὰ μέτε τείχη, it may be conjectured that it is for distinction of that Νόπον τείχη in the Acropolis which Cimon built, <sup>c</sup> witness Pausanias. Aristophanes seems to bring authority for an opinion that Themistocles built these. In <sup>d</sup> Equitibus.

<sup>a</sup> In Mith p. 124. ult.  
<sup>b</sup> Orat. 6.

<sup>c</sup> In Attic. p. 19 l. 8.  
<sup>d</sup> P. 337.

Τὸν Πειραιᾶ περιέσκηξεν.

Which his <sup>e</sup> Scholiast affirms. Τὸν δὲ Πειραιᾶ Θμιστοκλῆς περιέσκηξε τῷ πόλει. For Themistocles added Piræum to the City. We read in <sup>f</sup> Probus that he was the only agent in walling the City, and that he so hastned the accomplishing, that they were faine to be as it were sacrilegious, and make use of materials formerly consecrated to the edifying of Temples and Monuments of the dead. But <sup>g</sup> Plutarch gain-saies this, and that he did only τὴν πόλιν ἐξάρπην τε περὶ αὐτῆς, ἢ τὴν γῆν τῆς θαλάσσης, conjoyne the City and Piræum, and put the land to take acquaintance with the sea. It seemes somewhat forward before. However, so fennie was the ground it was founded upon, that the worke soone came to great reparation, which <sup>h</sup> Cimon the sonne of Miltiades undertook. For with stones of an huge weight and lime he made the earth so firm that it could not give. Nay he was so liberall, that he did out of his own expences so great favours, to a people that some years after gratified him with exile. Neither did he only mend the breaches; but in after time <sup>i</sup> finished the whole worke, so that he may truly be said to be the founder of them. Let us now come to the Gates of the City. \* <sup>j</sup> Meursius hath observed tenne, but I feare they will scarce suffice to such a vast City. Take then these. Dipylon or Thriassia, the fairest of all, velut in ore urbis posita, placed as it were in the front of the City, saies, Livie, major aliquanto patentiorq; quam cetera est, greater somewhat and wider then the rest. Hence I suppose named Dipylon as if it were as big as two gates. Περὶ αἰχῆς Πι-

<sup>e</sup> P. 338. A. col 2.  
<sup>f</sup> In Them. p. 27.

<sup>g</sup> In Them p. 89 l. 25.  
<sup>h</sup> Plur. in Cim. p. 355. l. 14.  
<sup>i</sup> Plur. p. 355. l. 12. unless τὸ ὕστερον may have respect to Conon who after the victory at Cnidus erected these wals as Pausan. in Atticis, p. 2. l. 14. I would neither deceive my selfe or the Reader.  
\* Attic. Lect. initio.  
<sup>j</sup> Dec. 4. l. 1. p. 11. A.

raised neere the Temple of *Chalcodoon*. Here were buried some of those that dyed in fight with the *Amazons* in the time of *Theseus*. <sup>a</sup> *Plutarch*. Ἰππιδῆς. *Hippades*. where the bones of *Hyperides* the famous Oratour rest with his progenitours, who being racked under *Antipater*, chose rather to bite off his tongue, then to divulge the secrets of his country. <sup>b</sup> *Iscari. Sacra*, the sacred gate. We read of this in <sup>c</sup> *Theophrastus's Characters* but to my great admiration, that the Eagle-eyed *Cassion* had not espied a fault. For though it be true that there were such gates at *Athens* as *Iscari*, yet is there any that ever read  $\chi\tau\iota\varsigma\ \iota\epsilon\gamma\gamma\iota\varsigma\ \pi\acute{\upsilon}\lambda\alpha\varsigma\ \epsilon\acute{\xi}\epsilon\lambda\omega\chi\theta\epsilon\upsilon\ \nu\epsilon\alpha\tau\epsilon\varsigma$ , the dead to have been carried out to buriall through the Sacred gate? It makes not any thing that it was spoken to a stupid fellow, for they spake not as our vulgar doe, such as, *When Christmas comes out of Wales*, write then *Heias*. *Heia* are the gates at which they went forth with their corps at the solemnizations of their obsequies, the reason of which shall be spoken hereafter. <sup>d</sup> *Demosthenes*, *Αἰγῖος πύλαι*. The gate of *Aegens*. It seems to have been in *Delphinium* where he dwelt; whence the *Hermes* or Image towards the East end of the Temple was called <sup>e</sup> *Ἐρμῆς ἐπ' Αἰγῖος πύλαις*. The statue at the gates of *Aegens*. *Μελισσιδῆς*. *Melisiaes*. Where lyes *Thucydides* the sonne of *Olorus* that wrote the *Peloponnesian war*, who after his returne into his country from banishment, was treacherously murdered, his Sepulchre stands neare these gates <sup>f</sup> *Πάνσανιας*. *Κεραμικῆς*. *Ceramica*. These are called by *Xenophon* αἰ ἐν τῷ Κεραμικῷ πύλαι. The gates in *Ceramicus*, where many of the *Lacedemonians* were buried, which dyed in the seditious war that *Thrasylbulus* made against the thirty Tyrants. <sup>g</sup> *Xenophon*. *Διοχάρους πύλαι*. The gates of *Diochares*. Of whom I have nought to speake. *Αχαρνικῆς πύλαι*. The *Acharnan gates*. I suppose they were called so from that Towne or Village neere, named *Acharnia*, to which it is probable it looked. For so did the ancients name their Gates from the Towne to which they were neare. The Romans their *porta Collatina* from

<sup>a</sup> In Thelco.  
p. 9. l. 80.

<sup>b</sup> ἐν βίαις τῶν  
p. 456.

<sup>c</sup> ἐν ἀνατολῇ  
Cias. p. 45.

<sup>d</sup> Pag. 715.  
num. 95.

<sup>e</sup> Plut. Thel.  
p. 4. l. 21.

<sup>f</sup> Atticis p. 21.  
l. 41.

<sup>g</sup> Βυλλων. β.  
p. 79. l. 43.

from *Collatia*, a Burge not farre off. And happily it is so here, as also in *Διομένη* *Diomea*; for *Diomus* is a people of *Athens* not any great matter distant from the City. *Θεγξία* *Thracia*. These are all that ever I met with named: others there are obscurely pointed at by <sup>a</sup> *Pausanias*, as that neare the Gallery which from its various draughts they call *Pacile*, where is the effigies of *Mercurie Agoraus* in brasse. And others about the beginning of his *Attica*, of which I had better hold my peace then speake as good as nothing. Thus have we found twelve gates; which being opened, enter; sucke that sweet aire, whose excellent purity brought forth such acute wits<sup>b</sup> and prepared with a most happy bounty understanding judgements for contemplation. Whence *Euripides* may well straine to this note, that *Venus* sitting neare, and adorning herselfe, sends forth continually *Cupids of learning*, *παρτίνες ἀρετῆς ξυνοέες*. Well may he bleste that clime stiling it, *ἡ ἀμπερώτατος αἰθήρα*, which hath beene the Mother of the *Muses* (by the leave of *Mnemosyne*) or at least the Nurle to them, for there are they said to have travelled with *Harmonia*; as if there were no such melodious content, as in the Sciences. Let not *Theophrastus* assert all *Greece* to lye under the same temperature and disposition of the heavens, when at this day it may be spoken, as once *Aristides* did of it. <sup>f</sup> No coast so truly void of all earthly dregs, and participating more of the celestiall and defecated aire. Not unworthily hath *Sephacles* beene lavish in expressions. <sup>g</sup> *Famous*, <sup>h</sup> *The most renowned*, <sup>i</sup> *Happy*, <sup>k</sup> *Sacred Athens*. *Pindarus*. <sup>l</sup> *Wonderfull*. <sup>m</sup> *Much spoken of*. <sup>n</sup> *Neat*, &c. To the making up of her delight comes to all the river *Cephissus*, which is able to beare vessels of a good burthen, as I have been informed, but the *Turkes* fearing lest it might be advantagious to an enemy that might invade them, have cut it into many and sundry little streams damming up with an innumerable quantity of stones the mouth of the river for a mile in length. Thinking they have sufficiently prevented, which they did but suppose could happen.

*Menfius* hath added two. *Ionica*, & *Scæz. in Attica*, which I never saw untill I had written this place, as God and man is my witness. I speak lest any should thinke that I have stolne out of him, because we meet *a Atticis p. 14. l. 11.* <sup>b</sup> *Cassiod.* *Var. l. 12.* <sup>c</sup> *Medea. p. 460. 461.* <sup>d</sup> *Med. p. 459.* <sup>e</sup> *In Præf. ad Charact.* <sup>f</sup> *Tom. 1. p. 173.* <sup>g</sup> *Aia. p. 57.* <sup>h</sup> *Oed. Col. p. 258.* <sup>i</sup> *Oed. Col. p. 264.* <sup>k</sup> *Aia. p. 71.* <sup>l</sup> *m. p. 361.*



## CAP. III.

Ἀθηναῖοι. Ἀθωαῖοι, *Mores, & Ingenia.* τὸ μισθὰ ἔχουσιν. *Quantum hodierni differunt à veteribus; & qualem vitam rationem modumq; habent.*

a ἐν βίῳ Ἐλ-  
λαδῶ.  
p. 169.

b Varro apud  
Aug. de Civ.  
Dei. l. 18, c. 9.

c Ag. 17.

d In Plutop.  
38.

THE Athenians by <sup>a</sup> *Dicaarchus* are divided into two sorts, Ἀθηναῖοι, *Atticos*, and Ἀθωαῖοι. Of which though there were no difference in latter times, yet certainly of old there was. Inſomuch as one of the puniſhments, which the Athenians are ſaid to inflict upon their women ( for the appeaſing of *Neptune*, bringing in an inundation upon their fields to their great damage, in anger conceived for loſſe of the Title of the City ) was this, <sup>b</sup> That none ſhould after call them Ἀθωαῖα, *Athenians*, but Ἀθηναῖς, *Atticas*. A revenge I ſuppoſe opprobrious enough. For thus writes my Author. Οἱ μὲν, πεῖρτοι καὶ ἀληταῖς, ὑπελοῖ, ſυκοφαντοῖς, ὀφθαλμοῖς καὶ ἑταῖρων βίῳ. *Curious bablers, Deceitfull, Calumniators, Observers of the lives of ſtrangers*, πεῖρτοι καὶ τῆς ἀλλοτρίης. A ſufficient witneſſe of this is <sup>c</sup> *S<sup>r</sup> Lake*, that ſaies, they did regard nothing more then to heare and ſpeake noveltie. To which end they often met in Barbers ſhops, where all the news that was going in thoſe daies, was curreant. Hence ſay we, *verba in tonſtrinis proculcata*: and in Greek ἐπὶ τοῖς κερταίοις λόγῳ, <sup>d</sup> *Ariſtophanes*.

Καὶ τοὺς λόγους γ' ὡς, ἐν τῇ Ἡγερένῃ, πολὺς  
ἐπὶ τοῖς κερταίοις καὶ ὀφθαλμοῖς  
ὡς ἐξαπνύει ἀντὶς τοῦ λόγου.

They that ſate in the Barbers ſhops did talke much that he was ſuddenly growne rich. The Scholiaſt ſeemes to take the meaning as if the Comædian had quipped them for reſorting to Barbers, and neglecting Barber Chirurgions of better credit. But I ſee no reaſon. They met in both to prattle. <sup>e</sup> *Ælian* Καθεζομένης ἐν ταῖς τριῶν, ὁμοῦ, καὶ παρὸς ἀποδείξιν ἐκ πατρὸς ἑαυτοῦ.

e Var. hiſt. lib.  
3. c. 7.

*δυσκρίτης*. Sitting in a Chirurgions shop, scandalous, and thir-  
 stie to speake ill by all meanes. ὕπουλοι. men Italianed, who  
 can smile, even when they cut your throat. Such as *Theophras-  
 tus* hath in his Characters drawn out, who can be affable to  
 their enemies, and disguise their hatred in commendation, a Cap. 27  
ἀπαίσις.  
 while they privily lay their snares; that salute with mortall  
 embracements, and claspe you in those armes, which they  
 meane to embrew in your dearest blood. In summe, faire  
 without, but rotten within, like a wound which is healed a-  
 bove and seemes sound, but putrifies under the skin. And so  
 much the word doth import. Συκοφαντώσεις. Given to false ac-  
 cusations. The <sup>b</sup> Scholiast of *Aristophanes* writes, that it be-  
 ing forbidden to carry figges out of *Athens*, and some never-  
 thelesse the decree being absolute against it, presuming so to  
 doe, they set rogues in the gates that did appeach them (as  
*Plutarch* likewise.) Hence came this word to be used for  
 any crafty knave that gets his living by promootings, c In Solone  
p. 65.  
*κοφαντίας* ζῶν. One that meddles in every mans affairs, and d Xenophon.  
Ἑλληνικ.  
p. 271 l. 20.  
 therefore <sup>e</sup> *Aristophanes* hath fitly brought one upon the  
 scene terming himselfe an *Overseer* both of private and pub-  
 like matters. If then such a person had espied any tripping,  
 and gotten him upon the hip, he would as sure have fetched  
 him over for his coyn, as any *Summoner* doth a person delin-  
 quent towards the flesh, or any Lawyer a credulous client, &  
 having well plumed him, afterwards give him a dimissorie.  
*Εκείνοι* (*Sycophantia*) ὡς γὰρ παρ' οὗ χεῖματα λαμβάνουσιν, *ζῶντες*.  
*Xenophon*. Such were many in *Athens*, insomuch that *Aristotle* e Ἑλλ. β.  
p. 272 l. 19.  
ὁ Οὐδῶν.  
 being asked what *Athens* was, answered, *πᾶσι γὰρ* All beauri-  
 full, *ἀλλ' ὁ κινεῖται πάντῃ σὺν ἄσκει σὺν δ' ὄντι οὖν*, in a verse of *Ho-  
 mer* in the description of *Alcinous* his garden, but pears grew  
 ripe after peares, and figs after figs, meaning a continuall  
 succession of *Sycophants*. This made *Isocrates* the Oratour to  
 compare the City to a *Cuttezan*, with whom few there were  
 but would have to doe, yet none dare take to wife, affirming  
 it to be the best place to sojourn in, but the worst to inhabit:



By reason of their Syſcophants and trecheries of nimble-tongued Oratours. Πάραπρηπὶ τοῦ Ξενικῶν βίῳ. I was once halfe in an opinion that these words were to have been put to the former thus, συκοφαντῶδεις παρρηπὶ τοῦ Ξενικῶν βίῳ. And I thinke the sense will runne well, *Malitious observers of the lives of strangers.* The Athenians were φιλόξενοι and held hospitality sacred, and I doubt not but they had that Law, *That forrainers should receive no wrong*, ἵνα μη ἀδικῶν. <sup>a</sup> *Socrates* in *Xenophon*. Now he discommends the Ἀπικοὶ as ready to trouble and vex strangers in law; duly marking and bearing an eye unto them to take them at an advantage: As for the *Athenienses* they were μεγαλόψυχοι ἀπλοῖς τοῖς ὅποις, φιλίας γήσιοι φύλακες, *Brave spirited, single dealing, and faithfull friends.* But as the words were at length confounded, so did their manners degenerate, growing into ἀνωμαλίαν τῆς φύσεως, *an Irregularity of nature.* as <sup>b</sup> *Polybius*. No μεγαλόψυχα afterwards, but haughtinesse of spirit, magnanimity now fallen. And when <sup>c</sup> *Livy* sayes *ex veterē fortuna nihil prater animos servare*, hee meanes, they had nothing left but those proud spirits, which their ancient flourishing fortune had puffed up. No ἀπλότης, or simplicity, <sup>d</sup> *no lambe like innocency*, or mildnesse; but as <sup>e</sup> *Plutarch* speaks, *people rashly angry, soon pitifull, rather inclined sharply to take opinion, then quietly to be enformed.* And as they are ready to helpe base and object peasants, so friendly doe they entertaine childish and ridiculous toys, rejoycing in their own praises, and nothing moved with scurrility. Fearsull and terrible even to their governours, humane towards their enemies. Not unfitly then <sup>f</sup> *Valerius Maximus*, *Quantum ergo reprehensionem merentur, &c.* How deserve they to be blamed, who though they had just laws, yet had most wicked disposition, and chose rather to take their owne courses, then put in practise their statutes? As for their impudence, so great was it, that to expresse a countenance void of shame, the Comedian hath put Ἀπικὸν βλέπον, *An Athenian looks*, in <sup>g</sup> *Xubius*. φιλίας γήσιοι φύλακες, So accounted in the time of <sup>h</sup> *Paterculus*,

<sup>a</sup> Απικημι β.  
p. 428.

<sup>b</sup> Lib. 6.

<sup>c</sup> Dec. 4 p. 7. l. 1

<sup>d</sup> Aristoph. p.  
694.

<sup>e</sup> πολιτ. πα-  
εγν. p. 387.

<sup>f</sup> Lib. 4 c. 3.  
p. 207.

<sup>g</sup> Ψg. 189 g.  
<sup>h</sup> Lib. 2. p. 47.

*culus*, that what was done in sincerity and faithfull trust, the Romans would say, it was performed *sic Attica* with an Athenian loyalty. Feare and power might make them trusty, but how they brake their leagues, took part with other *Illanders* against confederates, and violated the laws of arms, Historians are not dumb. As for their wrath it was *delectans*, evermindfull, as *Virgil. memor ira*. And the hatred they prosecuted the *Barbarians* withall was so unquenchable, that it burned against all *Barbarians* for the *Persians* sake; and they forbade them their sacrifices as they used to doe murderers among them. Where you must note that all that were not *Grecians* were called of them *Barbarians*. But loe! How are they now become all barbarous! whether or no people of *Africa* or some of the *Catolani* I cannot justly tell. *Mahumetans* all, poore and miserable, living by rapine, or fishing, or tilling the earth, *c Favolius* *Duraq, coacti*

*a* *Æneid. 1.*

*b* *Isocrat. in Pan p. 109.*

*c* *Hodæp. Byz l. 3.*

*Pauperie assuerunt vitam tolerare rapina.*

*Aut passim infestant furto, raptoq; propinqua  
Æquora pirata, sed quæ pars æquior, hamis  
Fallit inescatos tereti sub arundine pisces.*

*Aut desolatas exercet vomere terras,*

*Semper inops, misera, infelix, rerum omnium egenæ.*

Opprest with need they doe their life sustaine

By rapine, and anoy the neighbour maine

With pillaging. Who are more just and good

With angling doe the silly fish delude;

Or plough the grounds made desolate before,

Unhappy, wretched, mis' rable, still poore.

## C A P. IV.

*De populo divisione, Ευπατρίδαι. Γεωμόροι. Δημιουργοί. Περικαιοισμέ-  
θιοι. Ισπαῖς. Ζελῆς. Θῆρες. Quid Atheniensibus cum Æ-  
gyptiis commune.*

<sup>a</sup> So doth Di-  
onysius Hali-  
carnassens di-  
vide them into  
Ευπατρίδαι &  
Γεωμόροι.  
lib.2. n.2.

<sup>b</sup> Pollux. l.8.  
c.9. p.404.

<sup>c</sup> In Solone.

<sup>d</sup> Pag. 61. in.  
Solonem.

Here were at first but two kinds of people in Athens, two orders quibus inter gradus dignitatis fortuneq; aliquid interlucebat, in which there was difference of dignity & fortune: such as at this day are in France either Peers or Peasants, or as in Venice Particians and Plebeians. And although Pollux calls them τρία ἔσθ' ἔστιν, three sorts, yet I make but two, because the γεωμόροι were not any way more gentile for blood, surpassing for riches, or happy for life. But because he hath so set them, take them thus, as he speakes: <sup>a</sup> τρία ἔσθ' ἔστιν πάλαι. Ευπατρίδαι, Γεωμόροι. Δημιουργοί. Ευπατρίδαι, Eupatride, were such as were descended from the loyns of those Heroes famous in the Greek history, whose families were ever renowned, and posterity propagated to many generations; such as Praxiergide, Escobutade, Alcmaeonide, Cynide, Ceryces, &c. whom we may tearme Nobles, or men of good birth. Γεωμόροι, Geomori, may not seeme unlike our Yeomen, who had lands of their own, and sustained themselves with the fruit and commodity of their possessions. Δημιουργοί, Demiurgi, were men of some handi-craft, Tradesmen, such as Tentmakers, Shoemakers, Carpenters, Masons, and the like. But Solon made another division. For when the Diacrii, which were those that lived in the upper part of the City, διὰ τῆς ἀσῆτος, saies Diogenes Laertius; and the Pediai which likewise are πεδῆις, such as lived in the middle of the City, or the plain. And the Paralii who lived neare the sea, were at contention about government. The Diacrii leaning to a Democratic, as <sup>d</sup> Plutarch writes, the Pediai to an Oligarchie, and the Paralii between both, and had chosen Solon to arbitrate and determine the matter



matter; he made these four ranks. Πεντακοσιμεδιμνος, ἱππικῆς, ζευγίτας, Θῆταις, *Pentacosimedimnos. Equites. Zeugitas. Thetas.* *Pentacosimedimni* were those who ἐν ἑνεῶς ὁμᾶ καὶ ὑπεῶς, could make five hundred measures in wet, and drie commodities alike. What *Possardus* then brings out of *Varro* concerning *modium*, hath no place here, for he supposes that *Pentacosimedimnus* was he that had as much ground as fifty *Medimni* could suffice to sow, but here I will confute him with a wet finger, ἐν ὑπεῶς. For he seems to sow upon the waters. This is he whom the *Elzevirii* printed at *Leyden*, anno 1635. under the name of *Postellus* who was sometime a Professor of Tongues in *France*, and author of the Treatise *de Magistratibus Atheniensium*. *Equites* were such as were of ability to keep an horse, or had the quantity of three hundred measures in dry, & as many in wet; called likewise ἱππικῆς τελευτῆς, *Zeugite*, were such as could of wet and dry in all make but three hundred. Any of these three could beare office in the Commonwealth. A fourth ranke which he called <sup>b</sup> Θῆταις, *Thetas*, a name from servility, which had no power in the rule of the weale publique. But it had not beene amisse if I had shewn how the *Egyptians* had divided their people into three classes as the *Athenians* did, as I have spoken above. For the first degree or *Eupatriæ* addicted to learning and study, who were had in greater honour, answer to the *Egyptian* Priests. Nay those great houses in *Athens* had Priesthood by succession, as *Eumolpide*, *Ceryces*, *Cynide*. For out of the stock were chosen Priests, hence ἱερῶν κωνικὴν ἔχουσιν in <sup>d</sup> *Demosthenes*. The *Geometri* who had lands assigned to them for the maintenance of the war, are not dislike them in *Egypt* who hold possessions on these tearmes, namely to provide souldiers when need shall require to fight. The *Demiurgi* resemble those *Plebeians* who skiltull in some art, did set out their labour to daily hire: as *Diodorus Siculus* can testifie.

<sup>a</sup> Plut. p. 65.

<sup>b</sup> Plutarch. 10. co prædicto.

<sup>c</sup> Plut. Theol. p. 8. l. 18.

<sup>d</sup> Pag. 741. num. 164.

## CAP. V.

*Tribus quatuor sub Cecrope mutata earum nomina. Augmentum à Clisthene: dua addita.* Φεγετεῖα. Φεγετορες. Τερψίς. Γέφυρ.  
*Tribulum Κοινωρία Φυλακὴ δ' εἰπία; φεγετριγῶ.*

**I**N Athens there were but four Tribes under the rule of Cecrops. Cecropis, Autoethon, Actea, Paralía; which had other names put to them, Cranaís, Arcthis, Mesogæa, Diacris. I suppose from the parts of Attica, it lying partly neare the sea, thence Actea partly hilly, thence Diacris, partly Mediterranean, thence Mesogæa, the other name from the King that was then; whether the King would honour the Tribe so much, or the Tribe glory in the name of the King, I know not. It is probable that it was an honour to their governour, for as Cecrops gave the first names, Cranaus the second, each assuming a title to himselfe, Eriethonius called them after the name of Jupiter, Pallas, Neptune, Vulcan. Διός, Ἀθηνᾶς, Ποσειδῶνός. Ἡφαιστῆος. But when Ion came to rule they were named after his four sonnes, Geleontes, Egicoreis, Argades, Hopletes, as <sup>a</sup> Herodotus and <sup>b</sup> Euripides; though Plutarch sayes that they were so called <sup>c</sup> ἐκ τῶν ἡρώων, εἰς ἀσπρέθων οἱ βίος τὸ πρῶτον, from the courses of life which they first tooke. But Clisthenes a man factious and wealthy is said by the Councel of <sup>d</sup> Apollo, Alcmaeon being Archon to make tenne of them, changing the ancient titles, & taking new from some Demigods or Heroes borne in that land all, except Ajax, whom though a stranger, he put to the rest, as a neighbour and companion. <sup>e</sup> Herodotus. These then were called ἑπώνυμοι, as you would say giving names; the word so signifies sometimes, as Minerva is said by Dion Chrysostom: ἑπώνυμος Ἀθηνῶν, who gave the name to Athens. To these were erected Statues near the Councell place of the Senate. Their names are these as <sup>f</sup> In Aug. p. 45. <sup>g</sup> Pausanias hath them, Hippothoon, Antiochus, Ajax Telamonius;

<sup>a</sup> In Terpsic.  
p. 137.

<sup>b</sup> In Ione vers.  
sus finem.

<sup>c</sup> In Solon p.  
68.

<sup>d</sup> Aristides T.  
1. p. 336. A.  
T. 1. p. 352.

<sup>e</sup> In Terpsic.  
p. 137.

<sup>f</sup> In Aug. p. 45.

<sup>g</sup> Pausanias hath them, Hippothoon, Antiochus, Ajax Telamonius;



nus, Leo, Erechtheus that slew Immaradus the sonne of Eumolpus in the Eleusinian war, Ægeus, Oeneus, Acamas, Cecrops, Pandion. From these *Ἰαποδωνῆς, Ἀρποχίς, Διαντῆς, Δεωνῆς, Οἰωνῆς, Ἀκαμαντῆς, Κεκροπῆς, Πανδιονῆς*. To which they put two more, one called after Antigonus, the other after Demetrius his name, in gratuity to them for the favours received; which in processe of time they changed into *Aitalis*, and *Ptolemais*, as Stephanus writes, *διὰ τῆς ἐπαυρίων εὐεργητικῆς βασιλείας*, having beene curteously entreated by the \* Kings bearing that name. Which being so, let us take heed that Livie deceive us not, who at the time, when *Attalus* did succour the Athenians against Philip, saies they first thought of adding that Tribe to the tenne, in thanksgiving that the Rhodii rescued four fighting ships of the Athenians taken by the Macedonians, and sent them home, *Tum primum mentio illata de tribu quam Attalida appellarent, ad decem veteres tribus addenda*. Thus have we seene that there were twelve Tribes in all. Let us look back to the first institution. I suppose they were first ordained for the better administration of civill government. <sup>b</sup> Eusebius writes that they were divided in imitation of the year, the foure Tribes according to the four quarters; each Tribe into three Fraternities, which they call *τριπύς* or *φρατρία* answerable to the twelve Moneths, each *φρατρία* or *τριπύς* into thirty *ἡμέραι* or kindreds equalising the dayes. For so many only had the year of old. Witnesse the Riddle of *Cleobulus* concerning the yeare,

Ἐἷς πατήρ, πᾶσι δὲς ὃ δυνάμει αὐτῆς ὃ ἐν δέσῳ  
Πᾶσι δὲς τρήκοντα, διὰ δὲ διχα εἰδος ἐχέμεται.

\* These are reckoned among the Eponymos in Paus. p. 5. who had Statues likewise. a Decad. 4. l. 1. p. 6.

b In II. b. pag. 181.

c Laertius p. 63. l. 1.

One Father had twelve Sonnes, and each son thirty daughters, and every daughter black and white, meaning daies and nights. Over these were governours *φυλοκασιτᾶς*, Kings of the Tribes, who sate upon controversies between party and party of their owne Tribes. Each Tertian also had his overseer called, *Τεινάρης*, the Ruler of the *Τρίτῃς* or *Phratia*. The word may seeme to signifie a Society, fellowship, or company.

company. It skills not whether you derive it from *φάτεια*, as *Eustath.* or *πατεῖα*, as *Suidas*, or *φρέα*, as others, which is a Well, because they drew water from the same well. For the place being scanty of Springs where *Athens* was founded, there being but one well-spring in *Athens*, they were constrained to use *φρέασι πινητοῖς*, digged wells, as *Plutarch.* *φρέατες* are the men of that society, called by *Tully*, *Curiales*, of the same Ward, speaking of *Cimon*, who gave command that his servants should afford what they had if any *Lacides* should come into his Farme. In description of which thing *Plutarch* uses *δημότης*, which then we are not to interpret (*Curialis*, for this is as much as *συγγενής*, and *συμφυλῆτης*) but *popularis*. These at festivall daies in *Athens* met in a place called *Phratrion*, as *Eustathius* observes, & *Pollux* (where they brought their children to be ingrossed in their books, as shall be hereafter spoken with the reasons thereof) *φρατίζειν*, *Phratrizein* from hence comes which is *πρὸς φρατρίαν συνίεναι*, to meet, for so *Eustathius* in another place, *εἰς ταυτὸ συνίεναι*. As for the *φύλη* or kindreds wee must not thinke that they were of one blood, but from that neare conjunction which they had each with other being admitted into this society. *Γένει μὲν* (every *Γένος* or kindred consisted of thirtie, whence they were named *τετραδάδεις*) & *πρεσβύχοιτες*, *ἐκ τῆς συνώδου ἔτα ἀφ' οὗ καλεῖται δόμοι*. Not of affinity so called, but for their Synod; which the Grammarians call *σύστημα κοινωνικόν*, a Communicative familiarity, *κοινωνία* being a participating in one thing, or having an equall share in the same priviledges. Great was their care of each other; great was their mutuall love; which that it might continue, *Solon* their Law-giver ordained certaine feasts to be provided, wherein they should kindly entertaine each other. *δειπναφυλικά*, and *φρατεικά*. *Athenaus.* *Τῶν δὲ νῦν δειπνῶν πρὸ τοῦ ἵερ. οἱ νομοθέται τὰ τε φυλικά δειπνα καὶ τὰ δημοτικά προσέταξαν ἐπὶ τῷ τοῦ Διῶντος καὶ τῷ φρατεικά. &c.* Of feasts celebrated at this day the Law-makers have appointed *Phyletica* for Tribes, *Demoica* for the people or popular,

moreover

*a* In Solone p.  
65. 1. 33.

*b* Iliad. β. pag.  
181. & II. i.  
pag. 629.  
*c* Lib. 3. c. 4.

*d* Dipnosoph.  
l. 5. p. 185.

Moreover *Thiasos* for Colledges (as Philosophers for the death of their Grand Masters) and *Phratrica* for the same Ward. Hence ἐσιάζειν τὴν φυλὴν and ἐσιάζειν τὸν φράτριον. Of which in due time. The reason of this the *Diponosophist* gives, saying that wine hath ἐλκυστικὸν π. π. π. φιλίας, an attractive and perswading force to procure love and friendship.

# C A P. VI.

*Græcia vicatim habitata.* Δῆμος quid? *Atheniensibus proprium habere δῆμος.* Quot? *Templa & sacra pagatim.*

**A**LL Greece was inhabited κτῆσες, as *a Thucydides* <sup>a Lib. i.</sup> speaks, by Villages before there were any Townes; from whence comes the word Comædie. <sup>b</sup> *At verò nondum roatis in urbem Atheniensibus, cum Apollini Nomio, id est, Pastorum vicinorumq; præsidi Deo, constructis aris in honorem divina rei circum Attica vicos, villas, & compita festum carmen solenniter cantarent: orta est Comædia* ἐπὶ τῷ κωμάζοντι καὶ αἰδῶνι, <sup>c</sup> *quod est, commessatum ire cantantes.* The Athenians being as yet not gathered into Corporations, when they sung sacred hymnes to *Apollo Nomius*, that is, the President of the shepherds and neighbours, about the villages, houses and crosse waies of *Attica*, altars being built in honour of the celebrity, sprung up a Comædie ἐπὶ τῷ κωμάζοντι καὶ αἰδῶνι from revelling and singing. Others will have it derived from an ancient custome they had, when any were injured among them, for the party wronged to come to the street where the offender lived, and in the night time to cry aloud, <sup>c</sup> *Ὁ δὲνα ἀδικεῖ, καὶ τὰ τὰ πράττει, θεῶν ὄντων καὶ νόμων.* <sup>c Thomas Magister.</sup> Such a one doth wrong, and commits such and such outrages, although there be Gods and Laws, by which these abuses were reformed. But the *Anonymous* in a preface to *Aristophanes* saies, καὶ κώμας καλεῖται ὅρα Ἀθηναίους, ἀλλὰ δῆμος, that they were not called κώμας or villages by the Athenians, but δῆμος which they translate



a Lib. 7. Ep. 3.

late *Populos*, better in my minde *oppida* or Townes. Cicero ad <sup>a</sup> *Atticum*. Venio ad *Piræa* in quo magis reprehendendus sum, quod homo Romanus *Piræa* scripserim, non *Piræum* (sic enim omnes nostri locuti sunt) quam quod *M.* addiderim. Non enim hoc ut oppido praposui, sed ut loco: & tamen *Dionysius* noster, qui est nobiscum, & *Nicias* Cous, non rebatur oppidum esse *Piræa*, sed de eo videro. Nostrum quidem si est peccatum, in eo est, quod non ut de oppido locutus sum, sed ut de loco: secutusque sum non dico *Caciliam*, Mane ut ex portu in *Pirasum* (malus enim auctor *Latinitatis* est) sed *Terentium* cujus fabella propter elegantiam sermonis putabantur à *Caio Lelio* scribi. Heri aliquot adolescentuli coimus in *Piræum*, & idem, Mercator hoc addebat captam de *Sunio*. Quod si *ἄμυς* oppida volumus esse, tam est oppidum *Sunium* quam *Piræus*. If so be we will have *ἄμυς* to be Townes, *Sunium* as well as *Piræus* is a Towne. These were formerly kingdoms as <sup>b</sup> *Pausanias* testifies. *Ῥιζανταὶ δὲ ἄμυι, ἃ ἐν τοῖς ἄμυις φάναι πολλὰς, ὡς καὶ πρὸ τῶ ἀρχαῖς ἐβασίλευον τὸ Ῥέρον.* Moreover I have written, that some of the Townes were governed by a King before the reigne of *Cecrops*. And no marvell, for some of them farre surpassed other Cities, as *Aristides* affirmeth. These were most peculiar to the Athenians, anciently called *νεμελαιοί*, as <sup>c</sup> *Aristoph.* Schol. or *Ναυκλαιοί*, as <sup>d</sup> *Pollux*, twelve belonging to every Tribe. But *Clisthenes* changed them into *ἄμυς*, as out of *Aristotle* the Schol. of *Aristoph.* The number of them is, as <sup>e</sup> *Eustathius* out of *Strabo*, and <sup>f</sup> *Casaubon*, an hundred seventy foure. Some whereof having the same name are distinguished according to their situations *καὶ ὑπερθεῖν* and *καὶ ὑποθεῖν*, as we may say the upper and the lower Wakefield, &c. All of them are divided into Greater and Lesser. The <sup>h</sup> *μικροί* or lesse are these. *Alimusii*, *Zoster*, *Prospaltii*, *Anagyrsii*, *Cephale*, *Prasieis*, *Lampreis*, *Phlyeis*, *Myrrinusii*, *Athmoneis*, *Acharna*, *Marathon*, *Brauron*, *Rhamnus*. The rest were greater. Take them promiscuous according to their Tribes.

b Atticis p. 30.  
l. 42.c In *Panorh.*

T. 1. p. 326.

d Nub. pag.

225. c.

e L. 8. p. 430.

f In II. b pag.

215.

g In *Athenæ.*

um l. 6. c. 9.

h *Paulan. Att.*

pag. 30.



ΚΕΚΟΠΙΣ.

Αιζώνη. Δαιδαλίδαι. Επίδαυ. Συπύτη. Πίδος. Συπαλητῆς.  
Τειρεμαῖς. Αθμονον ἢ Αθμονία. Αλαῖ Αιζωνίδες. Φλύα. *Exone.*  
*Dadalida, Epilecida, Xypete, Pithus, Syपालitus, Trinemeti,*  
*Athmonon or Athmonia. Ale Exonides. Phlya.*

ΕΡΕΧΘΗΣ.

Αγερύλη ἢ Αγέρλη. Ευωνυμία ἢ Ευώνυμος. Θήμακοι ἢ Θήμακος,  
Κηφισία. Λαμπρά. Καδύφρων. Λαμπρά. *ἡ παρὰ τὸν ἑνὲς*  
*Παμβωτίδα. Περνιπῆ. Συβείδα. Φηγῆς. Αναγυρῆς. Agraulis or*  
*Agryle. Eponymia or Eponymus. Themasi or Themacus. Ce-*  
*phisia. The upper Lampra. The lower Lampra, in which Sigo-*  
*nus erres calling one the maritimate, the other the inferior,*  
*which to be one and the same I have shewn above. Pambo-*  
*tada, Pergase, Sybrida, Phegus, Anagyrs.*

Πανδερῆς.

Αγγιλή. Κυδαυτίαιον. Κυδαυτῆς. Οἶα ἢ Οἶς. Παιανία καδύφρων.  
*Παιανία ἡ παρὰ τὸν ἑνὲς. Προβάλινθος. Στειρία. Φηγία. Μυρρινῆς.*  
*Angele. Cydashenanth. Cytbarum. Oa or Oeis. The upper Pa-*  
*ania, the under Paania. Probalinthus. Stiria. Phegae. Myr-*  
*rhinus.*

Αιγυῖς.

Αλαῖ Αραφηνίδες. Αραφῶν. Βατῆ. Γαργηθῆς. Διονεία. Ερεχθία. Εί-  
κρια. Εχρία. Ικαία ἢ Ικαειός. Κολυτῆς. Κυδαυτίδα. Πλωθία. Τί-  
θρας. Φηγία. Φιλάιδαι. Χολίδα. *Ale Araphenides. Araphen.*  
*Bate. Gargettus. Dionea. Erechthia. Ericria. Echria. Icaria or*  
*Icarinus. Ionida. Colyrtus. Cydantida. Plothea. Titbras. Phe-*  
*gen. Philade. Cholliae.*

Ακαμαντῆς.

Αγῆς. Ερεχθίδα. Ερμῶς ἢ Ερμῶ. Ηρακλείδα. Θόειος. Ιτέα. Κί-  
κωα. Σοφῆς. Χολαργῶς. Χολαργοί. Χολαργία. Κεσολή. Προσπαλτα.  
*Agnus. Erisida. Hermus or Hermi. Hephestiadae. Thoricus.*  
*Itea. Cicynna. Spettus. Cholargus Cholargi Cholargia. Ce-*  
*phale. Prospalta.*

Λεοντῆς.

Αιδαλίδαι. Αιδαλῆς. Αρίδα. Διγῆδες. Εχάλη. Ευπυρίδα. Κεφῆς.

Κρωπία Λακόνιον. Ὅιον Κερεμ. Παιονίδα. Πήληκας. Ποταμός.  
 Σκαμβονίδα. Σένιον. Τβα Τβάδου Φριάφοι. Μαράδων. Αλιμύς.  
*Ethaliae Ethalia. Aphidna. Dirades. Hecale. Syprade.*  
*Cetti. Cropsia. Leuconium. Oeum Ceramicum. Paonida. Pele-*  
*ces. Potamus. Scambonida. Sunium. Hyba Hybada. Phreacri.*  
*Marathon. Alimus.*

Ιποθοοντίς.

Αἰλιώ. Αμαξανία. Ανδραμα. Αχερσός. Δεχίλεια. Ελαδία Ε-  
 λαιός. Ελδισις. Εγριάδου. Θυμορίδου. Κεειάδου. Κορυθιλλός. Ὅιον  
 Δεκιλ. Οινόη Ελδός. Σφενδαλή. *Azenia. Amaxantea. Anacaa.*  
*Acberdus. Decelia. Eleus. Eleusis. Erada. Thymetada.*  
*Ceriada. Corydallus. Oeum Decelicum. Oeum ad Eleutheras.*  
*Sphendale.*

Ανπορίς.

Αγιλία ἢ Αιγίλος. Αλωπεκή Αλωπεκί. Αμφίξυπ. Αράφαις. Α-  
 τιών Αττώα Βήσα. Θορά. Κεϊώ. Λακοπύρα. Μελανεῖς ἢ Μέλαεναι.  
 Παλλώνη. Πενήλα. Σημαχίδα. Φάληρον. *Aegilia or Aegilus.*  
*Alopece or Alopece. Amphitrope. Anaphlystus. Aene or Azenia.*  
*Bessa. Thora. Criða. Leucopyra. Melaneis or Melena. Pallene.*  
*Pentele. Semachida. Phalerum.*

Αιαντίς.

Οινόη Μαράδ. Τιτακίδα. Τεικόρυθος. Ραμύς. *Oenoe at Ma-*  
*rathon. Titasida. Tricorythus. Rhamnus.* Of this Tribe were  
 some towns taken away & put to other, *Aphydna, Persida, &c.*

Οινής.

Βέβεια, Βεβαίδα. Επικηφισία. Θρία ἢ Θρίω. Ιπποπυμάδα. Λακία,  
 Λακιάδα. Λυσία. Μελίπ. Οἷ ἢ Ὀιμ. Περειδίδα. Πηλέα. φυλή.  
 Αχίωνα. Τυρμίδα. *Butea, Butada. Epicephisia. Thria or Thrio.*  
*Hippotomada. Lacia Laciada. Lusia. Melise. Oc or Ea. Pe-*  
*rithada. Ptelea. Phyle. Acharna. Tyrnide.*

Πτολεμαῖς.

Βερενικίδα. Θυργονίδα. Βερονικίδα. Θυργονίδα. Κονδύλη.  
*Gonthyla.*

Απάλις.

Απολλωνίς. *Apolloniensis.* These are all which authours  
 make

make mention of according to their Tribes, others there are, which I know not how to distribute, none of the Antients either directing or furnishing me. But these are they: *Agra, Anchefmus, Amphiadæ, Arebilæ, Astypalæa, Atalanta, Achræus, Belbina, Brauron, Brilessus, Enna, Echelida, Zoster, Thrion, Gale, Cede, Coshicida, Coele, Cynosarges, Ceramicus* without the City, the same with *Academia, Laurium, Lenæum, Limna, Munychia, Parnes, Pnyx, Patroclus* his ditch or trench, *Scirum, Sporgilus, Hydrusa, Hymettus, Hysia, Phaura, Phormisii, Phritttii, Phoron, Chitone, Oropus*. To which are put the Islands, called *Pharmacusa*, two in number and *Psittalia*. The Scholiast of <sup>a</sup> *Aristophanes* speaks as if <sup>a</sup> *In Ranis p.* *Io* were a *Demus*, but I say not with him. The greatest use we <sup>235.</sup> have of these among authors, is in their forme of Law, matters of contracts, and the like, that there might be no fraud or deceit; that none either unjustly be taxed for any thing, or tax an other. Hence we read such punctuall clauses in their writs; N. the son of N. dwelling at *Alopeca*, ἐν Κόλας, ἐν Μελίτῃς. ἐν Κεραύειον, of *Gale*, of *Melite*, of *Cerameis*. In these villages were Temples of the gods. <sup>b</sup> *Livie*, *Templo pagatim sacrata*. And againe, *Delubra sibi fuisse, quæ quondam pagatim* <sup>b</sup> *Dec. 4. l. x. p.* *habitantes in parvis illis castellis viisq; consecrata, ne in unam* <sup>12.13.</sup> *quidem urbem contributi majores sui deserta reliquerint*. So much witnesseth <sup>c</sup> *Pausanias*, who tells us that they worshipped some peculiar Deity, and yet neverthelesse did <sup>c</sup> *In Atticâ p.* *τιὴν Ἀθηνᾶν* <sup>77. l. 40.</sup> *ἀγείν ἐν νῦν*, honour *Minerva*. Some of them had peculiar festivalls, as *Brauron* the solemnities *Brauronea*, to *Diana*. *Diomea* to *Jupiter Diomeus*, *Chitonea*, &c.

## CAP. VII.

Τυραννίς. Ολιγαρχία Δημοκρατία. *Atheniensium status mutatio.*  
 Ἰεῖδος Σωτηριανῆος. Δ' 85.

<sup>a</sup> In Ctesiphontem p. 4.

**T**He Ancients had but three sorts of government. Tyrannis, *Democratia*, *Oligarchia* as <sup>2</sup> *Æschines*, which *Polybius* calls βασιλείαν, αἰσχροκρατείαν, δημοκρατίαν. where although the one names it a Tyrannis or Tyranny, the other βασιλεία the rule of a King, yet must we understand the same. For in old time all Kings were called Tyrants, as *Servius* on *Virgil* hath observed. A word taken up by the *Grecians* about the time of *Archilochus*, which neither *Homēr*, nor *Hesiod* knew; and therefore are the Poets noted, as, Ἰδὸν τι πεπρωθότες, for calling the Kings, or βασιλεῖς before the Trojan wars, Tyrants or Tyrannos. βασιλεία or a Kingdome, is where obeisance is free, yielded rather out of a good advice, then for feare or might. Αἰσχροκρατία an Aristocratie, when most wise and just men are fitly chosen to sit at the Helme of the Weale publike. Δημοκρατία a Democratic, when the Laws and customes of the Countrey in matters belonging both to Gods and men are truly observed, and that rules the royl, which shall be approved of by the greater part, τι δόξαν τῶν πλείοσι, saies *Polybius*; as that may be said at a banquet to please all, which doth relish well with the most. But the grave Historian hath observed changes in such government, as they use to be, inclining to the worst, Monarchies being turned into Tyrannies; as when the people are led away by the persuasions of some pleasing <sup>b</sup> popular man, and are as it were, willingly constrained to take the yoke that his usurping authority shall lay on them, <sup>a</sup> Tyrant indeed said. *Viconsecutus*, who gets it by violence, <sup>d</sup> *Omnes autem & habentur & dicuntur Tyranni, qui potestate sunt perpetua in civitate, que libertate*

<sup>b</sup> Aristot. l.

Pol. 5. c. 4.

<sup>c</sup> Probus in  
*Miltiade.*

<sup>a</sup> Probus ibid.  
 p. 17.



*tertate usa est.* But all are accounted and called Tyrants, who have perpetuall authority in that City, which formerly hath enjoyed liberty. The deprivation of which causing murdering and rebellion, brings forth an *Aristocratie*, or government of the best men, such as are well brought up, and exercised in vertue. The end of an *Aristocratie* being, as *Aristotle* hath it, *Vertue*, which of no long continuance doth soon degenerate, <sup>a</sup> *ἡ δὲ ἐν γὰρ χίαν τῆς ἀρετῆς καὶ εὐστίαν*, naturally inclining to an *Oligarchie*, or rule of few. These few being chosen according to their riches. And because that many in a state cannot be wealthy, therefore the number of them cannot be great. These are great Lords and little Kings, whose power swaies all, and not the Laws; who unjustly favour those that are partially theirs, and oppresse them that would defend their liberty against them. All things being administred <sup>c</sup> *ἐν τοῖς ὑποῖσι καὶ ἐρεσιν*, by their presidents. Such dominion is taken away by the people set on a rage, and not bearing <sup>d</sup> *τὸς καὶ τοῖς ἐναντίον αὐτοῦ ἀδικίαν*, the injuries of their rulers. Hence comes in a *Democratic*, which *Sophocles* calls *ἐπὶ τῷ πλήθει λόγον*, the power of a multitude, whose end is freedom, when all can equally partake of the same priviledges and immunities, who are true citizens; whence *Terence* titles it *aquam libertatem*, for which the *Greek Orators* have properly used the word *παλιτεία*, as <sup>e</sup> *Vlpian* observeth. But the vulgar for the most part strangely insolent, prone to wrong, and ready to trespass against the Lawes, bring in by a miserable proceeding, the worst kinde of government an *Ochlocratie*, the rule of Rascality. All these in their times did *Athens* seele, for they were governed by Kings foure hundred eightie seven years: the last of which was *Codrus*, who in a fight between the *Dorians* and *Athenians*, offered himselfe willingly to be slaine, it being foretold by the Oracle of *Apollo* that the *Dorians* should be conquerours unless the *Athenian King* were killed; he therefore clothing himselfe *samulari veste* ne posset agnosci, saies <sup>e</sup> *Cicero*, with a servants habit lest he should be knowne.

<sup>a</sup> Pol. l. 4 c. 9.

<sup>b</sup> Polyb. l. 6.

<sup>c</sup> Æschines in Ctes.

<sup>d</sup> In Demost. p. 59.

<sup>e</sup> Tusc. Q. 1. 12.

known, put himself among the enemies, by one of which in a brawle he was murdered. After whom none enjoyed the name of King, <sup>a</sup> *quod memoria nominis ejus tributum est*, which was done in memory to his name. For after that, *Archontes* or *Judges* ruled; in the Title ἀρχοντες, *Archontes*, but in power Kings, whose authority was for tearme of life. These continued three hundred and fifteen yeares. These being ended, it pleased the State to choose a man, whose office should continue but ten yeares; seven succeeded each other, and made up the number of seventy yeares; who, because they abused their power, were made but for one yeare, called therefore <sup>b</sup> *annui Magistratus*, yearly Magistrates. These continued *Pisistratus*, for a fained feare of the seditious, begged a guard of the people for his safety. For when the faction sprung up, of which I have spoken in the fourth Chapter, hee cutting himselfe with lashes, and the Mules which drew his Chariot, went into the place of meeting, ἀγορὰ, and beseeching the people to afford him some defence against their violence, who did (but did not) assault him, procured a company of chosen Citizens who armed with clubs, not weapons, possessed the Castle, and so Tyranny came in, which *Pisistratus* enjoyed <sup>c</sup> thirtie yeares, and deceased, leaving behinde him two sons, *Hippiarchus*, and *Hippias*, whom *Heraclides* calls *Thessalus*. *Hippiarchus* was slaine by *Aristogiton*, after whose death the *Athenians* lived under a tyranny <sup>d</sup> foure yeares, from which they were delivered by the helpe of the *Lacedamonians*, the offspring of *Alcæon* corrupting the Oracle, to the end that whensoever they came for counsell he should wish them to free the *Athenians* of that servitude. The *Democratic* came in eight hundred sixtie eight yeares after *Cecrops*, established by *Solon*, who excluded the fifth rank of plebeinie from office or honour by a law, afterwards abrogated by *Aristides*. After this *Pericles* brought in an *Ochlocratie* by weakning the power of the *Areopagites*. Then after the overthrow in *Sici-*

<sup>a</sup> Justin. l. 2.<sup>b</sup> Justin. l. 2.<sup>c</sup> Heraclides  
in Pol.<sup>d</sup> Herodotus  
l. 5. p. 135.

ly the Τετρακόσιοι, or foure hundred tooke upon them state, de-  
 ceiving the people, as <sup>a</sup> Aristotle and <sup>b</sup> Thucydides affirme. <sup>a</sup> Pol. l. c. 57  
 For perswading them that they should reconcile Tissaphernes <sup>b</sup> Lib. 8.  
 and Alcibiades unto themselves by that meanes, and that the  
 Persian Monarch would afford supply for the war, they most  
 willingly condescended to this motion in the one and twen-  
 ty yeare of the Peloponnesian warre. These Princes were cal-  
 led <sup>c</sup> πεντεκισχίλιοι, τετρακόσιοι ὅντες, five thousand, though <sup>c</sup> Plat. in Al-  
 not exceeding foure hundred. The reason is, because they <sup>c</sup> cyb. p. 148.  
 boasted that none should be rewarded, but who bare arms;  
 nor any admitted to publique power but five thousand, such  
 as with person and estate could be beneficiall to the Repub-  
 lique. Their authority was granted by an <sup>d</sup> Act of the people, <sup>d</sup> Xen. Ell. β.  
 to which Theramenes was very forward, but after they were <sup>d</sup> 274. l. 38.  
 inducted none more ready to drive out; whereupon they ter-  
 med him Κόθορον *Cothurnum*, from a kinde of start-up which  
 did fit both feet. <sup>e</sup> καὶ ὁ Κόθορον ὀνόμαζον. ὡς τοῖς ποσσὶν ἀμφοτέρω <sup>e</sup> Xen. p. 275.  
 δοκεῖ. The word may sute with a Jack of both sides.  
 These Τετρακόσιοι were constrained for feare of <sup>e</sup> Alcibades <sup>e</sup> Justin. l. 5.  
 to resigne the right unto the people, and to goe into wilfull  
 banishment. But when Lysander had overcome Athens (the  
<sup>f</sup> Lacedemonians ever affecting an Oligarchie, as the Athenians <sup>f</sup> Arist. Pol. l.  
 a *Democratie*) he ordained these thirty to be chiefe: <sup>g</sup> <sup>g</sup> Pol.  
 lyarches, Critias, Melobius, Hippolochus, Euclides, Hiero, <sup>g</sup> c. 7.  
 Mnesilochus, Chremo, Theramenes, Aresias, Diocles, Phadrias, <sup>g</sup> Xen. Ell. β.  
 Charileos, Anatinus, Piso, Sophocles, Eratosthenes. Charicles, O- <sup>g</sup> p. 270.  
 nomocles, Theognis, Eschines, Theogenis, Cleomedes, Eras-  
 stratius, Phido, Draconides, Eumathes, Aristoteles, Hippoma-  
 chus, Mnesisthides. They began at first to put to death the  
 worst and most abhorred, laies <sup>b</sup> Salust, without triall of law, <sup>b</sup> In Catil.  
 but afterwards the good and bad alike; <sup>i</sup> some for envie, <sup>i</sup> Consp.  
 others for riches. These to make their party firme chose a- <sup>i</sup> X. u. p. 272.  
 bout three thousand to whom alone they permitted to have  
 weapons, disarming all the rest, to the end they might easily  
 command their lives. But by their lawes (for they made  
 some



<sup>a</sup> Xen. p. 175. some, stiled <sup>a</sup> *κατεδιδόμην*, which were nullified by a decree, as we shall speak hereafter) none was to suffer *ἐν τῷ καταλόγῳ*, who was registred in the list of three thousand. So cruell were they, that the people fled into <sup>b</sup> *Phyle* a castle in the Athenian borders; and making an head, under the conduct of *Thrasybulus*, at last shook off his yoke, and remained free untill the death of *Alexander* even fourescore yeares, whom *Antipater* succeeded, who in battle at the City *Lamia* gave the Athenians an overthrow, and gave them quarters on these termes that they should submit to a few *Peeres*, whose revenues amounted to two thousand *Drachm'es* at least, the chiefe of whom was *Demetrius Phalereus*, that they should likewise receive a garrison into *Munychia* for the asswaging of riots and uproares. But foure years after, *Antipater* dying, the City fell into the power of *Cassander*, of whom they often strove to acquit themselves. But in vain. For he brought them to such an exigencie, that they were glad to come to composition. And indeed he dealt fairely with them, giving them their Citie, Territories, Tributes, and all other things, so that they would be confederates to him, that none, whose revenewes come not to tenne *mina* or pounds, should undergoe any function in the Commonweale; and he should bee their overseer whom he would be pleased to nominate. The man appointed was *Demetrius Phalereus*, <sup>c</sup> who made the Citie to shine in her full lustre, insomuch that they erected in honour of him three hundred Statues. He wrote a Treatise of the Athenian Republique, which had not time devoured, would have given no small light to my poore endeavours. After he in trouble and vexation had spent fourteene yeares he was put out by *Demetrius* the sonne of *Antigonus* surnamed *Poliorcetes*; who restored the ancient customes to them againe. To him they ascribed such worship, as also to his father; that they changed the name of their Judge from *Archon* into <sup>d</sup> *Ἀρχὴν ἐπέεον*. The Priest of the Gods that saved them, calling the yeare after his name, and adding <sup>e</sup> two Tribes to

<sup>c</sup> Vide Laert. in vita, & Strabonem.

<sup>d</sup> Plut. in Demetrio.

<sup>e</sup> Pollux l. 8.

the



the Tenne, whence the Senate consisted of six hundred, but <sup>a</sup> In B. renice. five before, as <sup>a</sup> *Stephanns*, but when *Cassander* had overthrown the sonne and father, such was the ingratitude and levity of the *Athenians*, that they forbade *Demetrius* to approach neare their City. After this *Lacharis* plaid the Tyrant, and was expelled by *Demetrius*, whom they utterly cast off, assuming againe the title of *Archon*. *Demetrius* dying *Antigonus Gonatas* succeeded, who in the nineteenth year of his reigne put in presidarie souldiers to the City, which tenne years after he tooke out. The *Macedonians* still kept some of the *Athenians* forces in this space. *Demetrius Antigoni Gon.* *F. & Antigonus Doson*, out of whose hands <sup>b</sup> *Aratus* the *Sicy-* <sup>b</sup> Plut. in vita. *onian* rescued the City, and made it stand by it selfe untill *Philip*, the last king of the *Macedonian Monarchy* except one, did somewhat shake it, as you may read in <sup>c</sup> *Livie*. But he was expelled by the Romans, who tooke the *Athenians* into league, with a maintaining of their ancient right. So they remained untill the war between *Mithridates* and the *Romans*. For by feare they were driven to receive <sup>d</sup> *Archestratus*, *Mithridates* his Generall, within their walls; against which *Sylla* laid siege, and captivated the City, whence proceeded *Atheniens* (C. 22), a mercilesse slaughter, saies *Appian*, that the <sup>e</sup> streets did run with blood. But the Lawes were not much altered by this Conquerour; and therefore they lived in a neare resemblance of their former state; in favour with the *Roman Emperours*. *Julius Caesar*, *Adrian*, *Antonius*, *Gabienus*, in whose successours time *Claudius* the second of that name, this City was ransacked by the *Gothes*, who when they had heaped up innumerable companies of bookes to <sup>f</sup> *Cedrenus* burne, were denorted by this reason, that the *Greekes*, spending their time in reading of them, might be made more unfit for war. *Constantine* the Great likewise had this City in high esteeme, taking to himselfe the Title of *Στατάρχης Ἀθηνῶν*, as <sup>g</sup> *Julian* saies, which in the words of *Nicephorus Gregoras* is <sup>h</sup> *H. R. m.* <sup>i</sup> *to the persons of the* (C. 22) the *Grand Duke*, whom simply at <sup>j</sup> *7. p. 166.* <sup>k</sup> *forwards*

<sup>a</sup> Hist. Rom.  
l. 7. p. 167.  
<sup>b</sup> Nic. Greg.  
lib. cita.

<sup>c</sup> Chalcocon.  
κατασκευας  
στη Ναβύγην.

<sup>\*</sup> In the time  
of *Pietro Zani*  
came Amba-  
sadors from  
Athens to doe  
homage to the  
Venetian Se-  
nate. *M. Leu-*  
kenor in hi-  
story and lives  
of the Veneti-  
an Princes.  
<sup>d</sup> Chalcocon.  
l. 9. p. 299.

wards they called the <sup>a</sup> Duke of Athens, in that Historians time. Emperours have taken them wives citizens of this place, and the <sup>b</sup> daughters of their Dukes have beene desired by that eminent ranke. And indeed no marvell. For they were potent. *Rainerius Acciajulus* is said to have taken the Citie from the Spaniards that inhabit Arragon, *ἄρχοντος καὶ τοῦ τούτου ἐκ τῆς ἱστορίας*; who having no issue male of his wife, *Eubote* but an illegitimate named *Antonius*, by another woman, bequeathed by will *Beotia* and *Thebes* to him, but Athens to the <sup>\*</sup> Venetians, from whom his sonne recovered it againe. *Nerius* succeeded him in the Dukedom who thrust out *Chalcocondilas* his father. After him came in *Antonius Nerius* brother to the former *Nerius*. Now about this time we must know that *Mahomet* the sonne of *Amurat* the second got Athens, <sup>d</sup> whose beauty and building he held in admiration; which when he had made his own, he continued the Title. For another *Nerius* from those above named dying, leaving one sonne an infant, his mother in the childs Title exercised Tyranny. The woman loved a Venetian Noble man (sonne to *Petrus Palmerius*, to whose government the Citie *Nauplium* was committed, he is called by *Chalcocondilas Priamus*) who came thither for merchandize. Him by discourse and flattery she inticed into her love, promising that she would take him to her husband, and give up the Principedome of Athens unto him. But upon condition, that he would divorce his owne wife. Whereupon the young man going to Venice slew his wife, swelling with ambition, and thirsty of honour. Which being done, he returnes to Athens, marries this woman, enjoyes the government of the Citie; who being hated of the Athenians, and complained of at the Court, to avoid envy termed himselfe the Childes Tutor. And not long after taking the boy with him, went to the Court, where *Francus Acciajulus* waited, expecting to be promoted to the Dukedome. When the Emperour therefore understood the folly of the woman, he gave the title to him. Who being called,

im-

imprisoned the woman at *Megara*, and afterwards (by means  
not known to the Author) slew her. This *Francus* in time  
was taken away from men by *Zegæ* governour of *Pe-*  
*loponnesus*, *Mahomet* having intelligence that  
the Athenians would have delivered  
the Citie to the Prince of *Bes-*  
*tin*. Hee was the  
last Duke.

*a Chalcedon.*  
*P.109.*

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E 2

LIB.

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## LIBER SECVNDVS.

## CAP. I.

*Duodecim Dii Atheniensium Idololatria septisariam commissa. Dii Adscriptitii. Θεοὶ Ἀγρωγεῖς.*

a Pag. 48.

b In Tractu  
ἐπὶ Ἑρμῆος  
καὶ ἠδελφῶν  
p. 669.



*Erodotus* in *Terpsichore* is of opinion that the  
Greekes derived their religion from the *E-*  
*gyptians*. But *Plutarch* doth stoutly deny. it  
And not without good testimony may I affirm  
that it seemes to be a falsity. For *Orpheus* is  
thought to have brought the mysteries of pie-

c Sch. Eurip.  
in Alcest. pag.  
661.

d Εὐωα. f. iscp  
in Stel. i.

e Pag. 260.

ty into *Greece*; who was himselfe a *Thracian*, from whom the  
word *ἑρμωσία* is supposed to be drawn, which signifies de-  
votion. *Ἰσοκράτης* τὸ πᾶν θεὸς ἐκδέχεται *ἑρμωσίαν*, ὡς *Θρακίαι* ἔσθ' ἡ  
*εὐεργεσία*, saies *Nonnus*. They called *ἑρμωσίαν*, to worship  
God, &c. Appositely to which *Aristophanes* ἐν *Βαλέαρχῳ*.

*Ὁρφέος* ὑπὸ τὸ τελεῖται θ' ἡμῖν κατέδειξε, ὅταν τ' ἀπέχεσθαι.

*Orpheus shewed us sacrifices and to abstaine from slaughter. Nei-*  
ther is *Euripides* disagreeing in *Rheso*.

*Μυσηίων* τε καὶ *ἑρμωσίαν* ὁρφέωντος

*ἑδείξεν Ὁρφέος*--- *Orpheus revealed the hidden my-*

*steries. Herodotus* names not the Gods, the worship of whom  
the *Greeks* might borrow from the *Egyptians*; Twelve in  
number

f P. 281.



number they were, quoth he, but these only are reckoned, <sup>a</sup> *Pauf. Attic.*  
*Jupiter. Bacchus. Hercules. Apollo. Mars. Pan. Diana. Isis* or *P. 3. l. 18.*  
*Ceres. Saïs* or *Minerva. Latona.* as I have gathered, which  
all at once to have beene made knowne to the *Greekes*, and  
that by the *Egyptians* is too hard a taske for me to prove.  
The *Athenians* I am sure had twelve Gods in especiall ho-  
nour, whose pictures they had drawne out in a Gallery in  
*Ceramicus*; and had an Altar erected, called <sup>b</sup> *Βουκλίου δώδεκα* <sup>b</sup> *Plut. in Ni-*  
*Θιῶν*, on which a little before the *Sicilian* war, a man dis- *cia. pag. 387.*  
membred himselfe with a stone, which was accounted pro- *l. 26.*  
digious. By these twelve would they swear in common dis-  
course. <sup>c</sup> *Μὲν τὰς δώδεκα θεάς.* The heathens thinking that they <sup>c</sup> *Aristoph.*  
did honour those Gods, by whom they sware, as I have else- *Equ. p. 300. A.*  
where spoken. But they were not confined to so small a num-  
ber as twelve. For how could it be, when they ran through  
the seven sorts of Idolatrie? First worshipping the Sun, and  
punishing with death the neglect thereof; as you may read in  
<sup>d</sup> *Plutarch* in the life of *Pericles*. Secondly, deifying the ef- <sup>d</sup> *Vide Bodi-*  
fects of God, as bread, &c. For *Clemens Alexandrinus* inter- *num in De-*  
prets *Διὸς*, *Ceres*, & *στρώ*, corne or food. Thirdly, the poeti- *monologia.*  
call Gods. *Furies* and revengers of wickednesse, as *Alastores*,  
*Palanæi*. Fourthly, the Passions, as *Love*, *Pity*. *Injury* like-  
wise and *Impudence*, to whom *Epimenides* built an Altar at  
*Athens*. Fifthly, the accidents of growth and nourishment;  
hence *Auxo* and *Thallo* two deities, *αὐξάνειν*, to increase, and  
*θάλλειν* to flourish; to which may be put *Clotho*, *Lachesis*, and  
*Atropos*, the three fatall sisters, and *Εὐσυνία*, *Necessity*, taken  
sometime for death it selfe. Sixtly, the Theogonic or pedigree  
of their Gods, able to make up the summe of which *Homer*  
speakes. *Τεῖς γὰρ μύριοι* &c. Three thousand. Seventhly, an ig-  
norance of the providence and bounty of God toward them,  
fained *Hercules* the repeller of evill, and *Æsculapius* the  
God of Phylick. And if this serve not, I can adde an eighth  
way, namely hospitality and good entertainment of strange  
Gods. *Ἀδελφαὶ δ' ὅσπερ καὶ τὰ ἄλλα φιλοξενῶντες διατελοῖσι, ἔκω*

a Pag. 471.

b In Panath.  
T. I. p. 188.

c Strab. p. 587.

d Act. Apost.  
c 17. v. 18.e In Att. p. 1.  
l. 35.f Vide Eurip.  
Sch. in Med.  
p. 481.

g Pag 137.

καὶ οὗτοι τοὺς θεούς. *lates* <sup>a</sup> *Strabo*. as the Athenians love forrainers, so forraine Gods. Οὐ γὰρ μόνον τοὺς πρεσβυτάτους ἀλλὰ καὶ τοὺς νεώτερον, &c. <sup>b</sup> *Aristides*. For they serve not only the most ancient Deities, in a peculiar manner above all their followers, but have assumed adventitious ones; such as <sup>c</sup> *Orisbane*, *Conisalus*, and *Tychon*. So prone were they to conceive superstition, that when <sup>d</sup> *Paul* preached *Jesus* and the resurrection of the dead; they forthwith deemed *Anastasin*, or resurrection to be a God. And lest they should omit any, they erected Altars to the unknowne Gods, of which <sup>e</sup> *Pansanias*. Neither may we doubt of it, the Scripture bearing witness. The cause of this they say to be a fearfull vision appearing to *Philipides*, sent Ambassador to the *Lacedæmonians* concerning aid against the *Persians*, and complaining that he (<sup>f</sup> *Pan*, from whom *πᾶν* *à spectrum*) was neglected and other Gods worshipped; promising likewise his helpe, they therefore being victorious, and fearing the like event, built a Temple and Altar TO THE UNKNOWN GOD. Another opinion is, that a plague being at *Athens* hot, and the people finding no helpe from the Gods they implored, surmising some other power to have sent the disease, whereupon they set up this Altar, on which was written ΘΕΟΙΣ Ἀσίας καὶ Εὐρώπης, καὶ Αἰθιοπίας, Θεῷ Ἀγνώστῳ καὶ Ζεῖν. TO THE GODS OF ASIA, EUROPE, AND AFRICA, TO THE UNKNOWN AND STRANGE GOD. As <sup>g</sup> *Iustin* <sup>h</sup> *Martyr* and *Oscumenius*. Much may be said of their Tutelar Gods, both for their Cities and houses, much of their *Heroes* or Demigods. We will view them in order.

CAP. II.

*Jupiter* βασιλεὺς. Νέμιος. Ἰκίστιος. Πολιῦχος. Βελαῦτος. Φεγάτειος. φίλιος. Οὐρανίος κατωδάτης. Ἐρκίος. Ἀγροῦσιος. Ξένιος. *Modii salis edendi, Tesseræ hospitalis seu Symbolum.* Ἀπόλλο ὑποῦπιος. παλῶος. Ἀλξικρατος. Θυραῖος. Ράαν, & *ejusdem verbi origo.* *Mercurius* Παλιγχαῖπλος. Βελάνιος. Σῶφραῖος. Περύλαιος.

**A**bove other of their Gods *Jupiter* was had in high esteeme. And that commanded by the Oracle. For when the *Athenians* were bidden to dissolve their kingdoms, they were charged to make choice of *Jupiter*, <sup>a</sup> *πρωτεύοντα δὲ Δία βασιλέα.* And so by <sup>b</sup> *Aristophanes* he is called Ζεὺς βασιλεὺς. Him they worshipped as *President of Law and Justice*, under the name of *Jupiter* <sup>c</sup> *Nemius* (different from that of *Corinth* named Νέμειος) Him as *God of supplicants*, hence <sup>d</sup> *Ἰσότης*, Him as *Protector of Cities*, hence *πολιῦχος*. Him as *Gouverneur and director of their counsels*, hence *Βελαῦτος*. Him as *chiefs of their Societies*, hence *φεγάτειος*, and of their friendship too, hence *φίλιος*; and of kindred likewise, hence *οὐρανίος*. To him they ascribed *Thunder*, hence *Ζεὺς Κατωδάτης*, as much as coming downe in thunder. To him they thankfully acknowledged their delivery from the *Persians*, wrought by *Themistocles*, hence <sup>e</sup> *Ελευθερίας*. Him they confessed the *greatest of all*, hence <sup>f</sup> *ὑπάτος*. Him the *overseer of their buying and selling*, hence <sup>g</sup> *Ἀγορεύς*. To him stood an Altar sacred in the *courts of their houses*, hence *Jupiter Hercæus*, from <sup>h</sup> *Ἐρκος* a wall, as if hee were the watch and defender of the house. *Phavorinus*. *Ερκίος* Διὸς βωμὸς ἔξω τοῦ ἱεροῦ πύλωνος, αἰθερίας ἐν ᾧ ἔδουσαν Διὶ θρόνον τῷ ἔρκῳ. There was also an Altar to him before the gates, of which <sup>i</sup> *Ovid*.-- *Ante ades stabas Jovis Hospitiæ ara*, hence *Jupiter Xenius*, as if he were the *God of strangers and hospitality*. So solemne were they in their entertainments, that

<sup>a</sup> Sch. Aristoph.

p. 122.

<sup>b</sup> In Nubibus.

<sup>c</sup> Dem. in

Mid. p. 252.

<sup>d</sup> Ulpian in

Dem. p. 273.

<sup>e</sup> Paus. p. 18. l.

<sup>f</sup> 40. Who

thinks *Sylla*

to be eaten

with lice by a

judgement,

that slew *Ari-*

*stion* suppliantly

flying to the

Temple of

*Minerva*.

<sup>g</sup> Aristoph. A-

vib. p. 626.

<sup>h</sup> Plut. & Paus.

<sup>i</sup> Pausan.

<sup>j</sup> Aristoph.

p. 317.

<sup>k</sup> Metamorph.



a Eustath. in  
I. 9.

b Plin. 27. But  
Eustath. saies  
that they did  
set salt b. for  
any other  
meat to stran-  
gers.

c D. mosih p.  
241.

d Tzetzes in  
Lycoph. p. 28.

e Cic. de A-  
micitia. Eu-  
stath. saies

that it beto-  
kens love per-  
manent. For

salt preserves.  
And as it is

made of many  
lettings in of

water, so they  
who come fro

divers places  
by hospitality

are made one.  
In ilia. p. 100.

f In Acharn.  
p. 414. vide

Sch  
g Eustath in  
Il. 2.

h Eurip. Sch.  
p. 446.

i As polid. s.  
Aristophan.

μειγος.  
Paulan &c.

k Aristophan.  
πλ. p. 86.

that they would not receive a stranger without great cere-  
monies, such as giving of the right hand each to other *αισώ-*  
*μενος δακτυλόν*, a most certain signe of fidelity, and security; as  
also washing and cleansing with salt, or salt water, as *Τξε-  
τες* on *Lycophron*, whence it is called *αχίνος πάλος*. Salt they  
highly esteemed of, ever upbraiding violated hospitality with  
*αχίνος πάλος* &c. where is the salt? And yet it may be thought  
to be said of the community of the table *ἔδωκεν ὅψ' ἀλλήλων*  
*μὴ κακὴρ εἶναι τὸ ἐμοτερόπρετον*, *cūvivis*, customes shewing that  
fellow commoners, and such as feed of the same table must  
not injure one another, to which the old saying may well a-  
gree, *multos modios salis simul edendos esse, ut amicitie munus*  
*expletum sit*, Men must eat many bushels of salt together, be-  
fore they can be perfect friends; meaning that friendship is  
not to be soone established. But I take salt, of the lustration,  
to which also they added fire, as you may see in *Aristopha-  
nes*. Neither was this all, for they sacrificed moreover, calling  
*Jupiter* to witnesse, and using these words in the time of sa-  
crifice; *εἰς οἷα ἐβλον ἀνθρώποι, ἢ ἀσεβῶς ἔβην*. *Let my trespass*  
*be against Jupiter Xenius, if I offend, contemne, or neglect stran-*  
*gers*. And for the continuation of this even to their posterity  
they were wont to cut an huckle bone in two, the one party  
keeping one peece, the other party the other halfe, that when  
occasion or necessity should make either of them stand in  
need of other, *ἢ ἐπαύριον ἢ ἡμετέρας ἀλάλιον, ἀναγῆναι τὸ πάλος ξένων*,  
*bringing with them their halfe huckle bone they might renew*  
*their hospitality*. This they call *σύμβολος* *Symbolum* a token,  
which sometimes they would send to their acquaintance in  
others behalfe, as *Jason* in *Euripides* offers to *Medea* to  
doe. *Πέμπειν τοξένους σύμβολ' οἱ δεξιούσιν αὐτῷ*. And to send a  
*Symbolum* or token to strangers that shall courteously enter-  
taine you. But of this enough, as also of *Jupiter*, whom cele-  
brated in other Epithires I know by the *Athenians*. *Apollo*  
was next in request to *Jupiter*, invoked in danger or sudden  
events; hence *Ἐπιόπιος*, from *ἐπιτρέπην*, to turne away, as if  
he



he should deliver them from eminent evil, for which reason he is called *Alexicacus*. <sup>a</sup> *Apollinem* *aspellentem mala intelligas, quem Athenienses* *Ἀλεξικακον* *appellant*. He was one of the first Gods they had, hence is he termed <sup>b</sup> *παλῆας*, but <sup>c</sup> others thinke because he was the father of *Ion*. <sup>d</sup> *Macrobius* is of opinion, because the *Sun* the same with *Apollo*, is the Author of progenerating all things, *quod sol humoribus exsiccatis progenerandis omnibus præbuit causam*. To him stood Altars in their streets, hence is he *ἀγυῖς*: as if he were set over their waies <sup>e</sup> *Illi enim vias, quæ intra pomeria sunt, ἀγυῖς*. This *Agæus* was a sharp pillar <sup>f</sup> *κίον ὃ ἐστὶν ὡς εἰς δένδρον ἀγύων*. Although the *Greeks*, as <sup>g</sup> *Macrobius* saies, did worship him as *Θυσιαῖον, exitus & introitus potentem*, one that kept the doores of their houses, yet I finde no monument of that Title in *Pausanias*. Famous he was for the name of *Paan*, of which though I have taken occasion to speake elsewhere, yet this is a most proper place. I will not trouble you with the trivial derivations of the *Greekes*, which you read in <sup>h</sup> *Athenens*. When the *Athenians* asked helpe of the Oracle at *Delphos* against the *Amazons* in the daies of *Theseus*, the God bid them implore his succour in these words *ἱε Πααν*. <sup>i</sup> *Hanc vocem, id est ἱε Πααν, confirmasse fertur Oraculum Delphicum Atheniensibus, potentibus opem Dei adversus Amazonas, Theseo regnante. Namq; inituros bellum iussit his ipsis verbis semetipsum auxiliatorem invocari, hortariq;.* I doubt not but the words are changed somewhat, especially if we consider the ancient *Io Paan*. *Paan*, saies the <sup>k</sup> *Scholiast of Aristophanes* is a song or hymn praying for the ceasing of a plague, or war, nay for the preventing of apparent hurt. The originall of *Io*. <sup>l</sup> *Scaliger* hath already found, *Iao*, and *Io* being contracted by the *Greekes* for *Jehova*; *Paan* then comes from *פאן* to look, so that *Io Paan* is in force *Jehova Penob, LORD LOOK UPON US*, it being a craft of the Divell to come as near as possibly he may to God, so to bereave him of his deare honour, if he could. The remnants of these words the *Symonens*

<sup>a</sup> Macrobi. Sat. 1 p. 253.

<sup>b</sup> Aristoph.

Nub. p. 203.

<sup>c</sup> Aristoph. Sch

p. 611. g.

<sup>d</sup> Satur. 1. p.

257.

<sup>e</sup> Macrobi.

Sat. 1 c. 9.

<sup>f</sup> Schol. Eurip.

Phæ p. 322.

<sup>g</sup> Sat. 1. c. 9.

<sup>b</sup> In fin. lib.

14. Dip.

<sup>i</sup> Macrobi. Sat.

1. c. 17. pag.

253.

<sup>k</sup> In Plut.

p. 68.

<sup>l</sup> Græc. Trag.

<sup>m</sup> Vide Sir

Fr. Drake.

<sup>a</sup> Aristop. πλ.  
p. 110. Ach.  
p. 410.

<sup>b</sup> Aristop. Cα. p.  
p. 266.

<sup>c</sup> Aristop. 304.  
<sup>d</sup> Paus. p. 20.  
l. 35.

<sup>e</sup> Pag. 110.

a people of the West Indies, who in their fighting dance, and leap, and sing *Yó Pekó*, at this day. *Mercury* is hallowed by the name of <sup>a</sup> παλιγκάπιλλος or Εμπαλάος, deemed to be the God whose favour could enrich Merchants and Tradesmen. He is the God of craft, so by consequence he is that cunning to cheat may soone grow rich, wherefore this God is termed <sup>b</sup> Εεικνίος, *Very profitable*, from *εει*, an augmenting word, and *νίω* to profit. He had a statue erected to him in the Market place called <sup>c</sup> Εμής Αγοράος. The entry of their houses was sacred to him, from which he is named <sup>d</sup> Περίπύλαιος, as likewise *Ξεφάος* from *ξεφην*, to turne, because he was set up behinde the doore to keep away theeves, that were wont to lurk thereabout, and then afterward commit their villanie. More of his names you may read in <sup>e</sup> *Aristoph. Schol.*

### C A P. III.

*De Saturno, Vulcano, Neptuno, Marte,  
Hercule, ἀνακτες.*

<sup>f</sup> Paus. p. 16.  
l. 32.

<sup>g</sup> Aristop. πλ.  
p. 61.

<sup>b</sup> P. 536. n. 26.

<sup>h</sup> πρῶτος. οὐδὲ  
Απὸ:

<sup>k</sup> Aristop. p.  
403.

<sup>l</sup> Paus. p. 7. l. 27.  
<sup>m</sup> De divinati-  
one. l. 1.

**S**aturne was worshipped by the *Athenians*, witnesse the feasts kept in honor to him called *Κερία*, witnes <sup>a</sup> Temple which he had in *Athens*. Of his antiquity I cannot much affirme any thing. He seemes to have beene of old, as I conjecture out of <sup>b</sup> *Κερίκι γινώμαι*, *Saturnina anima*, put for dotage proverbially. *Vulcan* likewise had his honour there, and a Temple, of which <sup>c</sup> *Demosthenes*, where was one of the *Athenian* prisons; some controversies in law in it decided, as I gather out of <sup>d</sup> *Demosthenes*. *Neptune* was an ancient Patron of this City, which he loved even to strife. He was feared for security in navigation; hence <sup>e</sup> *Ασφάλειος*. <sup>f</sup> *Mars* also had his worship, and Temple, and *Hercules* too, who in a dreame appeared to *Sophocles*, revealing unto him the sacrifice of one who had stolen a golden cup out of his Temple, called therefore *Μαρτὶς* or *Index Hercules*, as <sup>g</sup> *Tully*.  
Neither

Neither were they contented with such a quantity, but canonized more daily, as the sonnes of *Tyndarus*, *Castor* and *Pollux*, naming them *ἄνακτες*. <sup>a</sup> *ἀνακῶς γὰρ ἔχειν τὸ δὴ μελεμενέες* a *Plut. Thet.*  
<sup>b</sup> *ἢ φυλάττοντας ὅπῃν κ' τὸ βασιλεῖς ἴσως ἀνάκτες διὰ τὸ το καλεῖσθαι.* p. 11. l. 25.  
 For they who have a care and watch of any thing doe diligently observe it *ἀνακῶς ἔχειν* for which Kings perhaps are called *ἄνακτες*, as keepers of their people. <sup>b</sup> The Scholiast of *Euripides* teaches us that *ἄναξ* properly signifieth a Saviour. p. 507.  
 So *Pan* is said to be *Ἀναξ Κυλλήνης*, the Tutelar God of *Cyrene*. c *Iliad. a.*  
 And *Apollo* in <sup>c</sup> *Homer*. *χρῖστος ἱεὶ ἀδάσσειν*. The word is simply d *In Avib. pag.*  
 put for God in <sup>d</sup> *Aristophanes*, <sup>e</sup> *τὸν ἔν θεός Ἀνακταί κ' Σάμης* e *Eurip. Sch.*  
*Καλῶν*. To these may be put *Harmodius* and *Aristogiton*. p. 507.  
<sup>f</sup> *Lyons*. *Theseus*. *Alon*. *Hesychus*. *Aristomachus* the Physician. f *In Athen.*  
*Celeus* and *Metanira*. And many more (of whom see <sup>g</sup> *Me-* g *Plut. in Th.*  
<sup>g</sup> *urinus*) made of men, as *Silvanion* and *Parrhasius* that made the statue of <sup>g</sup> *Theseus*. p. 2. l. 14.

# C A P. IV.

*De Minerva, Cerere & Proserpina, Baccho, Venere, Eumeni-*  
*dibus, Hecate, Junone, Prometheo, &c.*

**M***inerva* the especiall deitie of the Athenians, had the <sup>b</sup> *In Panath.*  
 Festivals called *Panathenaea*, of which you may fully <sup>i</sup> *In Verrem. 5.*  
 read in <sup>h</sup> *Meursius*. Next to her *Ceres* and *Proserpina*, whose <sup>k</sup> *Nennus ad*  
 rites *longe maximis & occultissimis ceremoniis continentur*, <sup>l</sup> *Naz. 711.*  
<sup>i</sup> saies *Cicero*, were greatest and most hidden; therefore cal- <sup>l</sup> *Vide Plut. in*  
 led *mysteria* from <sup>k</sup> *μυσταί*, to hide; <sup>1</sup> death and a curse lying <sup>Alcib.</sup>  
 on him who should disclose their abominable secrets. See <sup>m</sup> *Cap. 7.*  
*Meursius* in his <sup>n</sup> *Eleusinia*, of the initiation into these stews. <sup>n</sup> *Aristop. Sch.*  
 They were of two sorts. <sup>o</sup> Greater to *Ceres*, lesse to *Proser-* <sup>o</sup> *Sch.*  
*pina*. *Bacchus* also the sonne of *Ceres* had his Temple allotted <sup>p</sup> *Idem p. 123.*  
 and a double tide holy to him. *Dionysia parva* and <sup>q</sup> *Magna.* <sup>q</sup> *Clem. Alex.*  
*Venus* had her honour and sacrifice, in which they off red to <sup>r</sup> *Vide Æsch.*  
 her <sup>a</sup> money the price of an whore. <sup>r</sup> *Eumenides* were first a- <sup>in Eumen. &</sup>  
 dored <sup>Sch. Sophan.</sup>  
<sup>Oed. Col.</sup>



dored by *Orestes* after he escaped the Judgement at *Athens* in *Arcopagus* for killing his mother *Clytemnestra*. These by *Hesiod* are called *Erinnyes*, by the *Athenians* Σεμνὰ Θεαί, the venerable Goddesses. To these they offered drinké offerings without wine though at mid-night, a custome peculiar to them alone, as *Æschylus* witnesseth, though I am not ignorant that *Bacchus* his feasts were kept in the night, whence he is called *Nyctelius*. But the Tragedian.

ἢ καὶ πυκνὰ σέμενα δειπνα ἔσθ' ἐξ ἄρτα πνεύσε.

Ἐθυσὺν ὡρῶν ἕδεν' ἐς κοινὴν Θεῶν.

*Scholias*: ἐν τῷ τῷ μεσσηνιακῷ μόνους Εἰνυρῶσιν ἀπέρχοντο. By *Sophocles* the manner of oblation is set downe. First having cleane hands and pure, the worshipper ought to draw out of a running fountain water, and having filled three cups with water and honey, (hence termed ὀνηδάλια μελισσάτα) the mouthes and ears of which are to be covered with the wool of a young sheep, turning himself towards the East, he powdered out some of two of them, but the third wholly; then with both hands setting thrice nine branches of Olive on the place where he cast his ὀνάς, he uttered his conceived supplications. Other sacrifices they had as shall bee shortly spoken. *Hecate* was worshipped by them in *trivius*, where three wayes met, supposed to be the Moone in heaven, *Diana* on earth, and *Hecate* below. To her the richer sort every new Moone made a feast in the crosse waies, setting bread and other provision, which the poore greedily fed on, and were so ravenous after, that *Penia* in *Aristophanes* complains, that they snatcht it before it could be laid downe. Reference to this hath Ἐκ πατὴρα κατεδίων, to eat the cates of *Hecate*, in *Demosthenes*, which he seems to object, as a sordid or wicked thing. Indeed βαμολόχος, which signifies one, that privily taketh away any of the sacrifices from the Altar, imports sometimes *impious*. βαμολόχος ἀσεβής. *Schol.* \* *Aristoph.* And yet the same *Scholias*t tells us that the needy sustained themselves by the sacrifices. καὶ τῶν πτωχῶν ὅτι παρὰ τοῖς θύοις ζῶσι. *Juno*es rites were

a In Theogonia.

b Paul. p. 27. l. 3

c In Eumen.

p. 275.

d Aristop.

p. 228.

e Loco citato.

f In Oedipo. Col. p. 271.

g Æschylus loco præd.

h Vide Interp. Hor. in illud Diva triformis i Aristoph. Sch p. 63.

k Pag. 64.

l In O. at. πρὸς κόπωνα. p. 693. n. 59.

\* In Nubes p. 176.

m In Plur. 63.



were performed in great pomp with haire over their shoulders and down the back, in a vesture that swept the ground, their armes bedecked with glorious bracelets, their paces so minced, that <sup>a</sup> *Hegior BadiZen*, *ἡννονιν* *incedere*, is to go stately. *Promethens* was worshipped in a kinde of Torch-dance, or running with links or lamps, it may be in memoriall of the fire, which superstitiously they beleevd him to have stolne out of heaven. To say more of their Gods were needlesse, either for you to read, or me to write. More they had, among whom *Pan* was of a latter making, introduced by <sup>b</sup> *Philippides*, and <sup>c</sup> *Σφραγιδες Νιμφαι*. *Sphragitides Nymphae*, after the *Persian* overthrow.

<sup>a</sup> Vide Schotum in Proverb. Isaacum Casaub. in Athen. l. 12. c. 5. p. 388.  
<sup>b</sup> Cl. Alex. p. 22  
<sup>c</sup> Plut. Arist. p. 240. l. 30.

# CAP. V.

Θεοὶ Ἀνδάντοι. Εἰμίαι. *Phacasi Dii.*

**T**HE *Athenians* before their dores erected statues which they called <sup>a</sup> *θεοὶ ἀνδάντοις*, because they were exposed to the Sunne. Neither had they these alone, but certaine others sacred to *Mercury*, named from *Hermes Herma*, *Mercurials*. The fashion of them was divers. For first they were not <sup>b</sup> *ἀνὰ πρὸς ὀπίσθῳ*, porrecto veretro, but made after to that forme by the *Athenians*, who received it from the *Pelasgi*, as <sup>c</sup> *Herodotus*. Neither did they want legs, untill the *Athenians* made them <sup>d</sup> *ἀνάλως*, according to <sup>e</sup> *Pausanias*. The manner was this, *A face of Mercury set upon a pillar of foure corners*. The head only and neck were shapen, and therefore it was called *truncus Hermes*, <sup>f</sup> *Juvenal*,

<sup>c</sup> Vide Hesychium & Dionysium Petrivium in The-mistium.

<sup>d</sup> In Euterpe. p. 48.

<sup>e</sup> In Atticis p. 22. l. 14.

<sup>f</sup> Sat. 8. v. 52.

*Nil nisi Cecropides, truncosq; simillimus Herma.*

*Nullo quippe alio vincis discrimine, quam quod*

*Illis marmoreum caput est, tua vivit imago.*

<sup>g</sup> Vide Ulpian. in Dem. p. 332. & G. Langbaine in Notis ad Longinum. *ἄνδρες*.

For which reason likewise the *Greeks* name them <sup>h</sup> *ἀνδρες*, without limbs. On the lower part of them were certain verses engraven, containing the praises of some well deserving

men; but the *Herme* on which they wrote the exploits of those that had merited, seeme to me to have beene set up in that gallery, which from the number of these images was commonly knowne by Ἑρμῆος Στῆθε the gallery of *Mercurials*. At the consecration of these they used some ceremonies, and sacrificed a kinde of gruell, which was of no great preparation; because they would not stand about it. Hence ὅπως ἰσχυροῦς may be said to sacrifice with that which costs but little.

a Pag. 693.

<sup>a</sup> *Aristophanes*. Χύτραισιν, ὡς περ μεμβρόων Ἑρμῆδον, *Schol.* Ἑρμῆδον, ὡς τὸ τῷ εὐτελέει. in *Pace*. Now to the erecting of their Images it will not be unseasonable to adde something of the forme of their Gods, whom they made standing with their hands upward, as if they were more willing to receive then bestow any thing. To which <sup>b</sup> *Aristophanes* alludes, saying, -- καὶ οἱ θεοὶ. Γνώσει δ' ἄπο τῶν χειρῶν τε καὶ ἀσχυμάτων. Όταν γὰρ εὐχόμεθα διδοῖν τινα δαΐ. Ἐσηκαν ἐλθεῖν τα πῶ χειρὶ ὑπὲρ. Οὐχ ὡς πῶσιν, ἀλλ' ὅπως π λήψιν. *Even the Gods you shall know by their hands and statues. For when we pray them to give us some good thing, they stand with their hands upward, as if they would send downe nothing, but rather take oblation.* To tell you likewise that these Idols were clothed, is no newes doubtlesse to one meanly versed in the Greeke antiquities. To say that they weare shooes too, is probable, whence they are named *Dii Phacasiæni*, from φακασία, a kind of low shooes which the *Armenians* called κορίπιδες, from κόπης, dust, and πῆς, the foot, because they were neare the ground. *Διὰ τὸ πελάζειν* <sup>c</sup> *Clemens Alexandrinus*. But more sure I am that they were pictured with them on their feet. <sup>d</sup> *Juvenal*.

b Concion.

P. 747.

c *Pæd.* l. 2. c. 11

p. 152.

d *Sat.* 3. v. 217.

*Hic aliquid præclarum Euphranoris & Polyclesti  
Phacasiænorum vetera ornamenta Deorum.*

CAP. VI.

De Superstitione Atheniensium, & variciniis.

**L**ong since were the Athenians taxed by the Apostle for Superstition, which though it properly signifies a worshipping of the Gods too much, yet under it these follies are comprehended. Purification after fearfull dreames, in <sup>a</sup> Aristophanes *ὄνειρον ἀποκλύζειν*. In which sense some understand Persius. *Noctem flumine purgare*. Wearing of rings against witchcraft as a spell, called <sup>c</sup> *δακτυλὶς φαρμακίας*. <sup>d</sup> Spitting into their bosomes thrice at the sight of a mad man, or one troubled with an *Epilepsie*. Of which also *Theocritus*, *τεῖς εἰς ἐμὸν ἔπυσαν κόλπον*. I know not whether the custome of our silly people have reference to this foppery, who use to spit at the naming of the Divell. Certaine it is that anciently they did spit in defiance, hence *πύειν* is put for *καταφρονεῖν* and *ἐν ἐδελὶ λόγῳ θίγειν* to contemne or set little by, as the <sup>e</sup> Scholiast of *Sophocles* on these words, *πύσας ὡς εἰ δακτυλῶν*. Washing with water the head as often as hee shall goe into the streets *καὶ καθαλῆς λέσσει*, <sup>f</sup> *Theophrastus*. Anointing of stones, divers it seemes from those heaps sacred to *Mercury*, termed *ἑρμῆες*. This hath beene of old. Done indeed as a token of thankfulness by <sup>h</sup> *Jacob* in *Bethel*, where he tooke the stone that he put for his pillows, and set it up, and powred oyle on the top of it in his journey to *Padan Aram*. Hennes crowing, the bold entrance of a blacke dog into their houses, Serpents seene *ἐν τῇ οἰκίᾳ*, saies *Theophrastus*, of which <sup>i</sup> *Terence*. *Intrōit in ades ater alienus canis*. *Anguis per impluvium decedit de regulis*. *Gallina cecinit*. Put to these a <sup>k</sup> Cat or Weefell (the word signifieth both) crossing his way, the Mouse eating his salt bag. Not unlike them now adaies, whose clothes the Rats or Mice shall chance to eat, deemed not long after like to live by our ignorant, or that he shall have great ill betide him.

<sup>a</sup> Donat. in Ter. p. 67.

<sup>b</sup> R. uis p. 274. vide & Æsch. in Petis.

<sup>d</sup> Aristop. Pl. p. 88. f.

<sup>e</sup> Thoph. Ch. p. 49.

<sup>f</sup> Antigonem.

<sup>g</sup> Charact.

<sup>h</sup> Gen. 28. 18.

<sup>i</sup> In Phor.

Ac. 4. Sc. 4.

<sup>k</sup> γαλῆ.

Theoph.



him. Adde the avoiding of obsequies for feare of pollution. Antiquity was of opinion that sacred persons were defiled with the sight of the dead, as *Chemnitius* hath observed, and <sup>a</sup> *Euripides* brings *Diana* speaking, that it is not lawfull for her to behold dying *Hippolytus*; nay the standing upon a grave was a great religion; *ὁπότε μὴ αὖ μνήμασι*. Furthermore observing of daies good & bad, of which <sup>b</sup> *Hesiod*, ἀλλὰ μὴ τερά, ἀλλὰ ἡ μή-  
τηρ, that one is a stepdame, another a mother. <sup>c</sup> Amazement at the Eclipse of the Sun, as also the <sup>d</sup> Moone; not knowing the reason, why she did lose her light at that time, when she was in her full lustre. Buying of Medicines or enchanted stones for the quicker delivery in child-birth, in *Aristophanes*, ἀκωιδὴν ἀνὰ πύλινον. Of the vertue I speake nought. <sup>e</sup> *Boemus* relates that in *Darien* in *America* the women eat an hearb when they are great with child which makes them to bring forth without paine. Joyn to this the sneezing over the right shoulder, or the right side, <sup>f</sup> παρὰ τὴν δεξιάν. Obser-  
vation of *Διοσημείας*, or sudden storms, as the <sup>g</sup> *Sch.* of *Aristophanes* interprets it, snow, haile, or the like. <sup>h</sup> Cutting off their haire, and sacrificing it to rivers, as *Cephisus*. Marking the flight of the owle, whence came the proverb, <sup>i</sup> γλαῦξ ἐ-  
έπτατο, *The Owle hath fled*. And γλαῦξ ἔπατο for good lucke, the Owle being a token of victory to the *Athenians*, <sup>k</sup> ἡ μή-  
στις τῆς γλαυκῆς νίκης σύμβολον τοῖς Ἀθηναίοις ἐνομιζέτο. They ever accounting it so since the warre at *Salamis*, where the *Greeks* seeing an Owle, took courage and beat the *Barbari-  
ans*. *Appendix Vaticana*, ἐν Σαλαμῖνι γὰρ πάντες διεγέρθησαν τοῖς ἑλπίαις ἐνίκησαν. Other madnesse of theirs was slee-  
ping in the <sup>l</sup> Temple of *Æsculapius*, who were ill at ease, supposing the deity to give, or shew them a remedy, <sup>m</sup> for which in gratulation they were wont to offer him a cock. If I mistake not. What shall I say of <sup>n</sup> putting him to death who should cut downe an Oake or an Holme. (so *Ilex* which in Greek is *πειρίδοι* may be taken, I thinke it an Holme) in the *Heronm*; And punishing *Atarbes* capitally who being distra-  
cted

<sup>a</sup> In Hip. p.  
603. vide etiam

Eustath. in

Il. α.

<sup>b</sup> ἐν ἔργοις καὶ

ἡμ.

<sup>c</sup> Plut. Pericle

p. 123. l. 35.

<sup>d</sup> Plut. Nicias.

p. 392. l. 21.

<sup>e</sup> Lib. 4. c. 11.

<sup>f</sup> Plut. Them.

p. 85. l. 23.

<sup>g</sup> In Ach. p.

379. & p. 424.

<sup>h</sup> Paus. Att. p.

35. l. 31. vide

Eust. in Il. B.

<sup>i</sup> Aristop. Ve-

lisp. p. 508.

<sup>k</sup> Zenobius.

<sup>l</sup> Aristop. pp.

44. 66. T. 438.

<sup>m</sup> Petronius.

<sup>n</sup> Ælian.

περικ. l. 5. c. 17.

feed had staine a sparrow sacred to *Æsculapius*? Thus far have we gone. Let us proceed to their vaticinations or prophesyings. *Æschylus* brings *Promethæus* on the stage, vaunting how first he taught men \* *Ονειροκριτὸν Οἰωνιστὸν Ἡπατι- κὸν Οὐπικὸν*. All which were practised among the *Athenians*, as you may read in <sup>a</sup> *Xenophon*. *Ονειροκριτὸν*, the interpretation of dreams, is a resolution of those doubts which we conceive of things offered to our fancie in sleep, as that of *Hecuba* dreaming that she should bring forth a firebrand; and that of *Atossa* before the fall of her sonne *Xerxes*, whom shee saw striving to yoke the *Barbarian* and *Greeke* woman, one of which overthrew him. This the Ancients tearmed *ἐνύπνιον* *ἰδεῖν*, *Æschylus*, ascribing much to the truth of them, supposing them to be sent from a Deitie--*κὶ γὰρ ὅταν ἐκ Διὸς ὄνῃ*. <sup>b</sup> *Homer*. The skill in them is *ἐξ ονειράτων δ' ἔστι παρ' Ἡσέως, κληδόνας τε δυσείτας (γναιζεν)* to truly tell the event; which was no small art, certaine bookes written of that subject. <sup>c</sup> *Æschylus*, *κὶ εἶσιν ἔργα ποῖ πρὸς τέχνην ονειροκριτικὴν*, as *Artemidorus* his *Onirocritica*. *Οἰωνιστὸν*, Soothsaying by birds when such or such flie either before or behinde him, at the right or left hand, to shew what it doth prognosticate. <sup>c</sup> *Æschylus*, *Γαμψογύχων τὲ πῆσιν οἰωνῶν σκεδρῶς Διόεισι* διπρὸς δὲ τοῖς φύσιν, *Εὐώνυμοι τε, ὃ δίαται λυπὰ ἔχουσ' ἑκαστοι, κὶ πρὸς ἀλλήλους ἴνες ἔχουσιν τὲ κὶ σέρβιδες κὶ σωμαδρία*. It was formerly stiled, *διοκοῖσκη*, ἀτὲ ἐκ διανοίας προζομιμῶν ἀνθρωπίνῃ δῆσσι συμπίων) which the minde doth suggest to the opinion. It is put for any divination in Greek writers, but most properly *ὀνειροσκοπικὴν*, which <sup>e</sup> *Telegonus* is related to have found according to <sup>g</sup> *Nonnus*, but according to <sup>b</sup> *Plinie*, *Car*, whence it is called *Caria*, *Ἡπατικὸν*, looking into the Liver or entralls, like the Latines *extispicium*, observing the colour of them, <sup>i</sup> *ποικίλῃ ἐνσπορίᾳ*; as likewise the soundnesse, hence taken as a prodigie *λοβδὲν ἔχον καφὲλῳ*, in <sup>k</sup> *Plutarch*, the extremitie of the liver (like the outmost parts of the vine leafe, saies *Isidorus*) not to be seen, or rather that which they call the head,

\* Vide Scifi. p. 32.  
a Απομνη. x. initio.

b Iliad. i.  
c Æsch. Pro. p. 33.

d Eust. in Il. a. p. 36.  
e Pag. 33.

f Aristides. T. 3. p. 25.

g Nonnus. Συναγ. l. 5. α. οβ.  
h Nat. hist. l. 7. c. 56.

i Æsch. loco citato.  
k Pag. 357. l. 31.

*Ovid, casumq; caput reperitur in extis.* Ουπωδον, in marking the flame of the sacrifice burnt, <sup>a</sup> φλογωπὶ σήματα, the Tragedian calls them, by which they could foretell events. More doubtlesse had they wayes of witchcraft, as the other Greeks. Ενόδοι, as when one shall meet you carrying such or such things then this shall befall you. *Æschylus* termes them ενόδιες συμβόλαις *Sch.* καὶ ἐξ ὑπὸ πύτης. See *Scaliger* in *Tibullum*, on these words *Puer à triviis*. The Scholiast of <sup>b</sup> *Aristophanes* on ξύμβολον ὄρνιν, They made, quoth he, whom they met first as it were tokens of good hap. Whence it may be came up the salutation, which <sup>c</sup> *Sophocles* calls εὐφίμης σέμα φερεπιδόν, wishing luck, as χαῖτε among the Greeks, and the Latines <sup>d</sup> *Esto bonis avibus visus &c.* Σύμβολον is put likewise for sneefing, or the conjecturing at them. *Sternutamentum* being accounted a Deitie by the Romans, but sacred to <sup>e</sup> *Ceres*, as the Greeks, whence proceeded that Ζήσεις, which wee imitate in our God help you, as often as we see any man so purging his head. Which not to have proceeded from any deadly disease, is sufficiently evinced by *Casaubon* on *Athenæus*. Οικοσκοπιτικόν, at the sight of a Mouse, Serpent, Cat, or the like in the house, or when the oyle cruse is dry, hony, wine, water is spent, to guesse at future things. Of this <sup>f</sup> *Xenocrates* wrote. Χειρσκοπιαν, Palmistrie, when by the length of the hand, or lines of the table, they can judge of freeness in housekeeping, of marriage & posterity, of which <sup>g</sup> *Helennus* once left a monument. Πάλαισιπὸν, gathered out of the shaking of the parts of the body as the shoulder, thigh, or right eye, in which kinde *Posidonius* was an author exposed to the world. Εγγαστριμυθία, as that wherein the *Witch* of *Endor* was experienced, out of the lower parts of whose belly the Divell spake. The first that practised this among the *Athenians* was *Eurycles*; hence they who are possessed with this spirit of prophecy are called Ερυκλῆς, *Euryclyte*, as the <sup>h</sup> *Schol.* of *Aristoph.* who calls this art <sup>i</sup> Βυρμυκλῆς μαντεία, the divining of *Eurycles*. Νεκρωμαντεία, where after solemn sacrifices they were wont to call up the

fowles

<sup>a</sup> *Æsch. loco.*  
citato.

<sup>b</sup> In *An. p.* 574

<sup>c</sup> In *Ord.*  
*Tyr. initio.*  
<sup>d</sup> *Ovid. Fast.*

<sup>e</sup> *Sch. Aristop.*  
*loco citato.*

<sup>f</sup> *Nonnus* in  
*Naz.*

<sup>g</sup> *Nonnus.*

<sup>h</sup> In *Vclp.*  
*pag. 503.*  
*lib 502.*



soules of the deceased, demanding of them what after ward should befall. As <sup>a</sup> *Wierus*. And no wonder, for they held the spirits of their parents and kindred for Gods, *quibus sacrificabant* (saies Bodin) & *ad quorum sepulchra comedebant*, in quos scriptura invehens ac detestans, inquit, & *concederunt sacrificia mortuorum*, to which they sacrificed, and at whose sepulchres they fed, against whom the Scripture inveighing & detesting speaketh, *And they ate the oblations of the dead*. Of this <sup>c</sup> *Aristophanes* makes mention, and <sup>d</sup> *Homer* in his *Odysses*. This is that which most properly is called *ῥησιεία* from *ῥήσις* lamentation; by *Wierus* termed *diræ execrationes*, <sup>e</sup> for with great mourning they invoked *κακοποιῖς δαίμονας*, wicked gods for the accomplishment of their divelish designs. It may most fitly have the name of *Nigra Magia*, <sup>f</sup> for so the *Wisards* divide them into the blacke and white Magicke. *Μαγεία*, from whence the word Magicke is derived seems to have beene found by the <sup>g</sup> *Medes* and *Persians*, whose Priests were called *Magi*, great Philosophers as <sup>h</sup> *Laertius* is witness. This is supposed to be the good Magick. <sup>i</sup> *Ἐπίκλησις ἐστὶ δαιμόνων ἀγαθοποιῶν, πρὸς ἀγαθὴν πνέουσαν οὐσαν φαρμακεία*, is a giving of *philtrum*, a medicine for the procurement of love, or rather enraging of lust, by bewitching something and giving it to be eaten; which to have power over swine is credibly reported. *Κοσκινομαντεία*. Tricks with a paire of sheers and five, of which *Theocritus*. <sup>k</sup> *Ἀξινομαντεία*. To take counsell of an hatchet, taking it & laying it on a piece of timber flatwaies, which did the feat by turning round. Like to which is that naughty use of a key and Bible. *Ἀσεγγυδομαντεία*, by the casting of the dice to aske the number of wives, children, farmes, &c. which answer to the quantity of the chance.

<sup>l</sup> *Ἀλειπμαντεία* & *Ἀλιδεμαντεία*, done by corne, <sup>m</sup> *Ἀειθρομαντεία*, by taking the letters of the name, as when two were to fight, and by the value of them to judge the conquest; As they said of *Hectors* being overcome by *Achilles*. *Ορνιθομαντεία*, making a circle they divided it into four and twenty parts,

<sup>a</sup> De magis  
I. f. l. 2. c. 1 r.  
<sup>b</sup> De demono-  
mania l. 2. c. 3.

<sup>c</sup> In Avib. P.  
613. a.  
<sup>d</sup> Lib. λ.  
<sup>e</sup> Nonn. in  
Naz.

<sup>f</sup> Vide Bodin.

<sup>g</sup> Vide Non.  
<sup>h</sup> In Præm.  
<sup>i</sup> Nonnus.

<sup>k</sup> Vide Odyf.

<sup>l</sup> Vide Theo-  
crit. in Phar.  
<sup>m</sup> Delrio Dis-  
qui. Mag. l. 4.  
c. 2. q. 5. sec. 7.

and on each part made a letter, and putting wheat upon the letters they brought in a Cock, and observing from what letters he tooke up the grain, they at last joyned them together, and so knew their successors, husbands, &c. *Στοιχειομαντεία*, opening a book of *Homer*, and by the first verse that they lighted upon to divine, as that of the death of *Socrates*, who so foretold it, meeting with that verse of *Homer*, which speakes of the arrivall of *Achilles* within three dayes at *Thesfaly*. <sup>a</sup> *Et quoniam poemata provaticiniis, &c.* and because poems were accounted prophecies, as Poets Prophets, they were most busie in them. Hence in publique causes had the Romans recourse to the *Sibylline Oracles*, & the private Grecians to the verses of *Homer*. And that *Sors* was put for the writing of Oracles, is manifest out of the words, *Sortes Delphica*, for foretelling or divination. <sup>b</sup> I know the she Priest of *Apollo* being inspired with a kinde of holy fury spake to those who asked counsell. Whence the word <sup>c</sup> *μαντική* at this time read for Soothsaying, was anciently called *μαντική* madnesse. And yet that their cunning men had a kind of lottery, is as clear as day, the <sup>d</sup> Scholiast of *Euripides* testifying; done it seems in matters of question, so *κλήρον δι χροται* may intimate as much as to undergoe triall. Predictions there were, <sup>e</sup> saith *Eustath.* out of signes and wonders, as also of the noise that leaves make when they are burned. To which some adde *αερομαντεία* or divination by the ayre, quoting for it *Aristophanes* in *Nubibus*, which I now remember not.

<sup>a</sup> Wier. de magis. Inf. l. 2. c. 13.

<sup>b</sup> Vide Sch. Arist. in Plut. c. Ar. Rid. T. 3. pag. 25.

<sup>d</sup> In Hippol. p. 580.

<sup>e</sup> In Il. 2. p. 6.

## CAP. VII.

### De Templis & Asyis.

**T**Heir Churches were of two sorts; sacred to their Gods in Greek, *ναὶς* or *ἱερά*. And sacred to their Demi-gods most properly *συνοί*. But the word is promiscuously used by the Tragedians. *Clemens Alexandrinus* is of opinion that the first

first originall of their Temples was the erecting of an edifice to the honour of the deceased <sup>a</sup> νεῶς ἢ εὐσέμους ὀνομαζομένης, <sup>a</sup> Vide p. 28. τὰς δὲ θυγατέρας, τὰς τε καὶ τὰς νεῶς ὀνομαζομένης. Cecrops buried in the *Acropolis*, *Erichonius* in the Temple of *Minerva*, *Pallas*, the daughter of *Celeus* in *Eleusis*, &c. They were divided into two parts, the sacred and prophane, this called ἕξω ἀγίασμα the other ἔσω. <sup>b</sup> *Casaubon* tells us that ἀγίασμα was that holy water set at the dore of the Temple, with <sup>b</sup> In Theop. Charact. which every one that entred into the Temple besprinkled himselfe, or was besprinkled by those that sacrificed; of which in the next Chapter. But others have writen that it stood at the entrance of the *Adytum*, in which it was not lawfull for any but the Priests to come. The <sup>c</sup> Schol. of *Sophocles* thus describes the Church. Νεῶς, quoth hee, is the place <sup>c</sup> In Oed. Tyrannum. where the Altar stands. Βωμός the Altar on which they offered their oblations, *Ἰδρυς*, where they placed the Idoll which they worshipped; in ancient time a rude table or stock <sup>d</sup> αὐτὸς <sup>d</sup> Protreptice *Clemens Alexandrinus* calls it, as that of *Juno Samia*, afterward made in the Magistracy of *Procles* to be a statue. At first named <sup>e</sup> ἑβανὰ, διὰ τὸ ἀποξείδωται τὸ ὕλην, from the shaving of it; but when art began to bee so expert to make it resemble a <sup>e</sup> Idem. man, they termed it βεῖπας, from βροπὶς *mortalis*, whose shape it bare. At the setting up thereof they used these ceremonies. That a woman neatly trimmed and deckt in a purple vesture should bring on her head a pot of sodden pulse as beanes, pease, and the like, which they sacrificed in thankfulnesse for their first food <sup>f</sup> εὐχαριστήσιον ἀπονέμουντες τὸ πρῶτον δαίτης For <sup>f</sup> Schol. Arist. as much as I conceive out of *Pollux*, they prayed not where <sup>g</sup> p. 115. this was consecrated, or did divine honours, but in the ἱεῶν or ἱαῶν, the body of the Church, framing, as may bee gathered, their gesture towards it. <sup>g</sup> Αὐτὰ δὲ ἀεὶ ἐκ παλαιοῦ, ἀγάλματα, ἕξω <sup>g</sup> Lib. 1. c. 1. αὐτὰ, ἕξω θεῶν, &c. Furthermore belonging to their Temples <sup>h</sup> γ. there was a kinde of Vestry, in Greek *Ἀρχαῖον* by some translated *sumnum templum*, as if it were at the upper end. This seemes to have been a Treasury both for the Church, and



a Læcius in  
vita. p. 122.  
vide ad eum  
locum Cas.

any soever, who fearing the security of his wealth would commit it to the custody of the Priest, as <sup>a</sup> *Xenophon* is reported to have done at the Temple of *Diana* in *Ephesus*. *Martial* points at this, when he saies,

*Templa vel arcano demens spoliaverat auro.*

So reverently did they esteem of these houses of their gods, that to do those offices of nature, I meane venting of excrements too shamelesly seen among us, in the Church-yards, as I may call them, was an abomination; punished severely by *Pisistratus*. For when he had taken tribute of all that the *Attick* ground had brought forth, they so hated him for that taxation as they made the *δειρεσις* of the Temple of *Apollo Pythius* a Jakes; which although forbidden never was redressed. And yet so secretly was it done, that he could apprehend none save at last one stranger, whom he caused to be whipt, with this Proclamation, THAT BECAUSE HE CONTEMNED THE EDICT HE SHOULD DIE. Hence to a man that soundly smarted for his wickednesse, they were wont proverbially to say, *He had better have eased himselfe in the Pythæum*, or if there were more, in the plurall number. *Κρεττοῦ ὢν αὐτοῖς ἐν τῷ Πυθίῳ σκοπατῆραι.* Nay so honourable held they these Churches that to them they granted priviledge of Sanctuary, to which who should fly, might not from thence bee drawne out under a trespassse upon religion. Of this kinde was the Temple of *Minerva*, and *Theseus*, the Altars of the *Euменides*, and *Mercy*, <sup>b</sup> whose image they would not have erected any where in their City, although in the midst thereof she had a Grove. <sup>c</sup> The first *Asylum* among the Heathens is held to have beene in *Athens*, built by the *He-racleide*.

b Vid. Rosin.  
c Polyd. Virg.  
in Enrip. they  
are presented  
setting near  
the Altar. T. 2.  
P. 472.

C A P. VIII.

De Sacerdotiis.

OF holy orders among them I conceive to have been divers sorts, Παροισι, *Parasiti*, a word had in latter times in great derision, exagitated almost in every Comedy, put for a shark or smell-feast, *Edax Parasitus*. But held once in good esteem. For when they had set aside such a parcell of land as they thought the renewes thereof would suffice for the satisfaction of such and such Gods, they chose certain men who should receive or gather the harvest. *Crates*, οἱ ἐν τῷ τῷ ἱερῷ οἰτε ἐκλογὴν αἰεὶ ἔχουσι. With the incomes of this were the charges of those publique sacrifices defraied. Hence *περὶ δαμνίας*. *Introitus magni*, great yearly substance, is used for great sacrifice in *Aristophanes*. Scholiast. ἔγω γ' ἄλεγον τὸς περὶ παρ' ὧρας τῶς θεοῖς θυσιῶν. Κήρυκες. *Ceryces*, the same signifies a cride, but in sacred functions a Minister, who slew and offered the victims. *Anthenio* the Comcedian ascribes much honour to them, as if they had first taught men to seeth victuals, the flesh of sheep and oxen, while before they devoured each other raw. They take their names from *Ceryx* the sonne of *Mercury* and *Pandrosus*. But *Casaubon*, *ὅτι τὸ Κερίηον*. *A* praestantiore parte numeris quod obibant, sic dicti. Idem namq; & hostias maculabant, odebantq; &c. They in the time of divine rites craved the silence of the people in these words, *Εὐφημεῖτε. Σιγὰ πῶς ἔστω λαός*. Be whist all yee people. Good words, for *εὐφημεῖν* signifies, as well as to say nought, which *Horace* fitly interprets when he sayes, *Male ominatis Pareite verbis*. When sacrifice was ended they dismissed the congregation with these words *λαὸν ἀφαις*. To which custome he unfitly looked who derived the Masse from *Missa est, ite*, better fetcht in my minde by *Welchelinus* from *Masab* the Hebrew which availes as much as to praise. *Μυσταγοί*, the same

a Terent.

b Seca 1. At.  
Dialecti. apud  
Athen. p. 235.

c Avib. p. 581.

d Apud Ath.  
l. 14 p. 661.

e Vide Salm.  
in Inscripti.  
Pollucem. l. 8.  
f In Athen.  
lib. 15. c. 23.

g Casaub. in  
Theophrast.  
p. 321.

h In lib. quem  
scripsit de Sa-  
crament.

<sup>a</sup> Meursius E.  
Lulin. in cr. 3.

<sup>b</sup> In Steel. r.  
p. 63.

<sup>c</sup> L. Mountac.  
of Chichester.

<sup>d</sup> In Alexaph.  
p. 244.

<sup>e</sup> Aristop. Sc.  
p. 125.

<sup>f</sup> T. 2. p. 621.

<sup>g</sup> In politic.

<sup>h</sup> In Plut. p. 71  
<sup>i</sup> Casaubon  
Theoph.

<sup>k</sup> Arist. p. 481.

<sup>l</sup> Arist. p. 101.

<sup>m</sup> In Plut. p. 71

same with <sup>a</sup> *ἱεραὶ*), who intiated them who desired to bee admitted into the society of the superstitiously zealous (who after they were entred, were not under a yeare compleat, permitted to see the Bible) <sup>b</sup> *Schol. Naz. ἱεραὶ* ὧς τὸ τὰ ἱερά ἐμφαίνειν. *Hierophanta* so called from *ἱεραίνειν τὰ ἱερά*, opening the holy things. *Εὐριπιδὲς ἱερεῖς*. The learned Bishop upon that place of *Nazianzene*, notes that *Moses* among the *Israelites* was an *Hierophanta*, shewing unto them what they were to do in those sacred busineses. *Πυρόδοσι*, they who lighted the fire of the Altar, whose office made them safe in war and danger. Hence of bloody fight we say *ὅς ἐστι πυρόδοτος*, *Ne ignifer quidem*, there escaped not he that served at the altar. *ἱερεῖς*, The Priests in the *Great Mysteries*, tenne in number. *Νεακόδοσι* whom <sup>d</sup> *Nicaner* calls *ζάκοροι* from *κορῆν τὸ καλῶς πύζειν*, to bee decent, because they kept the Temples cleane and swept them as *Ion* in <sup>e</sup> *Euripides* speaks. These were the *νακὸδοδοί*, whose charge it was to preserve that which was found in the Church, and to see that repaired which went to ruine, saies <sup>f</sup> *Aristotle*. And yet we read that the *Parasiti* did sometime look to the mending of it. There being a law enacted that what they laid out should be restored againe. *ἱερεῖς* in <sup>h</sup> *Aristophanes* likewise termed *πρόστολοι*. These are the Priests ever waiting on the Gods, whose prayers the ancients required at their sacrifices, out of which they had a fee, <sup>k</sup> the trotters and skinnes, as the <sup>l</sup> *Cercyes* the tongues. And indeed there was no necessity, for there being tables in their Temples, as *Casaubon* teaches us, whereon they might lay their oblations (and perhaps sometimes depart) of which the Priest according to his stomach did share. Well known to <sup>m</sup> *Aristop.* who relates the like of the Priest of *Esculapius*. It was requisite to this function that they who undertook it should be sound both wind and limb, they being asked *ἐν ἀρχῇ* before their creation, whether they were whole in every member; which ceremony to have beene used among holy orders of latter daies is well known, their neighbours



neighbours wives bearing record, saies <sup>a</sup> *Christianus*, that they have not taken into their societies *quid mutilum*. There were moreover shee Priests as the *Βασιλισταί* in *Demosthenes*, and the *Καυνοβέται*, whom in all things <sup>b</sup> *Dionysius Halicar-* <sup>b</sup> *Antiq. l. 2. n. 3.* *nassens* compared to the vestall Nunnes.

## CAP. IX.

*De Sacrificiis.*

THE father of Philosophie is of opinion that Sacrifices first began after the ancients had ended their harvest. For then being free from care, they found time for mirth and jollity. In which they offered their first fruits called *ἀπαρχαί*, from whence *ἀπαρχιδω* is read generally to do any sacrifice. Neither doth *ἀνεγδιναι* import lesse. For *εγδιναι* signifies the bend, or great chest of the garnet, wherein they laid up the harvest threst & winnowed; *ἄρχειν*, the first or beginning, as if when they began to treasure up their store, they first of all liberally paid some devotion to their Gods. The Attick oblations, even to *Draco*, were nothing else but the earth beneficence, but before *Solons* age burnt offering, who willed in his laws, that they should be *ἐκλεκτὰ ἱερῆα*, chosen and selected sacrifices. The rites performed in them were not different from those in the daies of *Homer*, but somewhat reformed. It behoved them that would take in hand these holy things to purifie themselves some certaine daies before; <sup>d</sup> *ἀεγερνύειν ἡμερῶν ἀεθμῶν*, the number of them is not set down. I take *ἀεθμῶν* here to abstain from carnall delights, *Tibull. Discede ab aris. Quos tulit hesternæ gaudia nocte Venus.*) To which purpose *Theano* being asked when it might be lawfull for a woman, from the company of a man to go to sacrifice; answered, from her own at any time, but a stranger never. Bring thus prepared they came and stood round the Altar, having with them a basket in which was the knife hid (covered

<sup>c</sup> Vide Schol. Eur. in *Iphæa*. p. 291.

<sup>d</sup> Plut. p. 65. l. 26. they called their leane sacrifices *ἀεγερνύειν* ἡμερῶν ἀεθμῶν, as if naught else, *Arist. p. 524.* <sup>d</sup> *Demosth.* pp. 400. 476.

H

with

a In pace. p.  
695.

b Τα α with  
these ελοχι-  
πας the *Greeks*  
ever beganne  
sacrifice, the  
Romans *Far.*  
Dionys. Halic.  
l. 2. n. 4.

c Loco laud.

d Athen. l. 9.

p. 409.

e Sophocles  
Oed. Tyr.

f Aristoph. p.

g Ιλιαδ. α.

b Ιλιαδ. α.

\* Μνεια.

i In Stei.

k Eustath. p.  
101. Ιλ.

l Loco laud.

with flower and salt, in <sup>a</sup> *Aristophanes* ὁλα. in <sup>b</sup> *Homer* ελοχιπας) with which they cut the throat of the *victim*. Then they purified the Altar going about it with the right hand towards it. <sup>c</sup> *Aristophanes* Περίουσι τ' βωμὸν ταχέως ὅτι δόξια. This illustration was made with meale and holy water sprinkled thereon. This water is called <sup>d</sup> χέρει in which they quenched a firebrand taken from the Altar; with which they bedewed the standers by, accounting it a kinde of cleansing, (Hence <sup>e</sup> χέρειας νέμειν was forbidden him whom they took for a polluted and forlorne rogue.) Then they cast some of the flower on them. And having thus expiated, they cried out, <sup>f</sup> τίς τῆδε; *Who is here*, to which they made reply, Πολλὰ καὶ κακοί. Many and good. Then they praied. <sup>g</sup> *Homer*, Εξείης ἔστησαν εὐδμήπην φει βαμὸν. Χερνίφαντο δ' ἔπειτα, καὶ ελοχίπας ἀνέλοντο, τοῖσιν δ' Κρύσις μεγάλη δ' ἔχτο χεῖρας ἀνασχάιν. Among the latter they spake with a loud voice εὐχόμεθα, before they began, *Let us pray*. Supplications ended they drew the victim so as (if it were to the Gods above) the head might looke upwards, which <sup>h</sup> *Homer*, αὐ' ἐρύειν. *Eust.* εἰ μὴ τοῖς ἄνω ἔδουον, ἀνακλῶν τ' οὐ ἱερεῖς πρὸ χηλον, ὥς ἀφορᾶν, ὡς εἰς τ' ἐρεῖον. If it were to the *Heroes* or Demi-gods, with his throat downwards. Then they slew him & skinned him, & cutting out the <sup>i</sup> *huck* shin-bones and hanch, they covered them with fat, which is called κρίσι (hence the Gods of the heathen are deciphered by <sup>j</sup> *Nazianzen*, κρίσι χαίροντες, rejoycing in the fat) to the end that they might burne all out in a great flame. <sup>k</sup> ὡς γὰρ αὐτοὶ ὁλοκρυσσώμεναι τὰς μηρὺς λαμπρῶ καταφλεχθέντας πυρί. For the *Grecians* accounted it unluckie if it did not so consume, and thought that it was not καγιέρειαν. upon the μηρὺς they cast small peeces of flesh cut from every part of the beast, beginning with the shoulder (which is in Greek ὦμος) hence this is called ὠμοθήειν. The reason *Eustathius* gives, <sup>l</sup> ὡς δοκεῖν καὶ τὰς παλαιάς, ὅλα ἔχειν τὸ μέρος τῶ ἱερείου καρπῶδες, that they might seem to consume all, which the *Athenians* did not, being commanded by law to carry some of the sacrifice home. By reason

reason of which in junction, they did so strain curtesie of their gods, that the illiberall or nigardly sort of people would sell that which was left, and so make gaine of their devotion.

<sup>a</sup> Τὸ πρῶτον ἐπειὶ πλὴν τῶν ἱδίων τὰ κρία ἑμποδίζονται, saies *Theophrastus*; where <sup>b</sup> *Casaubon* notes, *Cūxam ferè offerebant, aut intestina, aut aliud non magna rei per sepe*. They offered the hanch bone or the intralls, or somewhat of no great worth. Where by entralls you are to understand the spleene, the liver, and the heart, which *Homer* calls *σπλάγχνα*, for though the word be taken for the bowels, yet it signifies the heart too, in which sense we say *ἀσπλάγχυνος* <sup>c</sup> *ἀνὴρ*, a pusillanimous man, & *εὐσπλάγχυνος* a couragious, as the Scholiast of *Sophocles* teaches us. & so *σπλάγχνός ἐλεος*, the bowels of compassion. These the ancients did divide among them at sacrifice to feed on, and afterwards cut out the rest to rost. For whē they had finished their devotions, they let the reins loose to all manner of voluptuousnesse, gluttony, and drunkennesse. For oft-times they left nothing of their sacrifice, especially when they offered to *Vesta*, whence the proverb, *Εἰς αὐτὴν*, is to eat up all, like the Roman *Lari sacrificare*. To say that publickly they begun to *Vesta* were more then I could well prove; but that they did so is plain. In their houses they had Altars, and so I supposed once *Ap' Ἑστίας ἀρχαῖα* to be taken, but this was done in *Libaminibus*, in their drinke offerings, as he on <sup>d</sup> *Aristophanes*. As for their meat offerings it was required that they should be sound and without blemish, whether it were an oxe, sheep, goat, swine, calfe: to sacrifice they simply termed *εὔθειν*, which our Latines have interpreted fitly, *Facere*. (*Virgil*, *cum faciam vitula*: Whose poverty was so great that he could not afford a sheep, or the like, they thought the Gods would be well pleased if he offered *Molas*, which the Greeks call *ἐδυλήματα* meale, which by the richer was mingled with oyle and wine, as the <sup>h</sup> Scholiast of *Aristoph.* The more wealthy instead of this did cast frankincense on the Altars. For the sacrifices of *Pallas* the tithes were set apart, as <sup>i</sup> *Demoſthenes*. In

<sup>a</sup> Th. Charac. *ἐπὶ Ἀρελῶ-  
είας.*  
<sup>b</sup> Pag 336.

<sup>c</sup> In Ajicem  
Locrum.

<sup>d</sup> Vide p. 383.

<sup>e</sup> Vide Pollu-  
cem. l. 1.

<sup>f</sup> In Bucolicis.

<sup>g</sup> Casaub. in  
Theop p 237.  
<sup>h</sup> Pag. 701. D.

<sup>i</sup> Pag. 378.



a Schol. Arist.  
p. 304

their oblations the μάγειροι or cooks gave the 10 part to the *Pyrtanes*. So ἀδελφὰς δὲ κοιλίας, put for οἶα where the Gods cannot have their allowance. Schol. *Aristop.* on ἀδελφὰς δὲ τῆς οἶας ἵερὰς ἔχοντα κοιλίας. Ἐδὲς ᾗ ἔιχον τὰς δαδάτας τῆς δουρίων πῆς Πυρτιέσιν οἱ μάγειροι δίδουσι. ἀλλ' ᾗ ἔπειν ἀδελφὰς δὲ τῶν ἑστίων, &c.

## CAP. X.

## De Anno Attico.

b De Doct.  
Temp. l. i. c. 1.

THE ancient Greek yeare consisted of three hundred & sixtie daies, each month consisting of thirty. Rude antiquity ignorant of celestiaall contemplations, deeming the Moon to finish her course in that space. Which according to <sup>b</sup> *Petavius* seems false. *Lunaris enim non fuit, sed ejus menses tricenis diebus constabant singuli.* By which reckoning, had they not used intercalations, they had soone found a maine difference in the times, when they ought to have celebrated their festivals. They made therefore a *Tetraeteris*, in which when they found seven daies deficient, they supplied them by adding \* 2 to every end of the year, called ἀναρχοί ἡμέραι, <sup>c</sup> *quod per illud biduum Athenæ Magistratibus carebant*, because for those two daies *Athens* was without Magistrates. But the last of these foure had but 359 daies, besides the two <sup>d</sup> *παρὰ δέκαται*, in respect to the Olympick games, ever kept in the *Olympick* games, ever kept in the \* full Moone, which could not have happened, had they began the *Tetraeteris* with a new Moone. Neverthelesse the Sunne and Moone appearing 14 daies oddes in a *Tetraeteris*, they made every eight yeare an interjection of one Moneth, that this time being ended the course might still returne the same. This all *Greece* observed, saies *Petavius*, by the *Athenians* termed *μυσία*, by the people of *Eubœa* an *Olympiad*. What kinde of Lunary yeare was in use among the *Grandfires* of *Greece*, is

not

\* Negat *Petav.*  
tus Miscel. l. 8.  
p. 192 *Petav.*  
affirmat.  
c *Mr. Selden*  
in Appar. ad  
Græco Epoch.  
Chro.  
\* id est, The  
fifteenth day  
d De D. Tem.  
T. l. p. 4.

not truly known; by *Petius* delivered to be of D: 347. every Month 29 D: except one, which like our February had but 28 D: Every two years one Moneth was inserted, once of 29 D: another time of 28 D: But because in two yeares this \* *magnus annus* surpassed the Moon 15 D: itaq; *Tetracterida fecerunt*. This consisted of 3445 D: 723 & 722 make 1445. So many daies 354. foure times doubled hath, if you please to adjoyne 29. Of this sort of calculation doth he understand *Geminus*. Τὸς μὲντας τετακτομένους ἡμερ., καὶ ὃ ἐμβολίμους πρὸς ἐνιαυτοῖς. That must be fitly understood, quoth hee, for they did number the Months as if they were 30 D: when notwithstanding they had but 29. *Petavius* is otherwise conceited, who takes the Scholiast of *Aristophanes* in that sense, as meaning 29 D: full ones, when indeed exactly taken according to *Geminus* you may account 29. 1. 1. and *Ulpian*, εὐνομενίας ἡμερ. 29. And yet are we not destitute of authority; that a Moneth was supposed 29 D. *Theon*. Μῶν αὖ ἡμερῶν, τὴν δὲ πωλοῦσα Σελήνη καὶ ἡλίου χρόνον ἐπὶ σωλοῦσαν, ὅς ἐστιν ἡμερῶν καὶ. But that the fragments were left out, the words are plaine, ἐπὶ ὃν πωλοῦσαν (πωλοῦσαν ἡμέραν ἀνέει, ἥ ἐστι τὴν νύκτα καὶ ἡμέρας χρόνον. Τὴν δὲ πωλοῦσαν ἡμέραν ἐχόντων πρὸς τὴν περικλυμένην ἡμέραν διαζαγνύει καὶ τὴν ἡμέραν ἐπὶ χρόνον). πολλοὶ τὴν ἐλλείπον. Hee meanes a day the space of a night and a day, for according to such Moneths did they administer their civill affaires. And now it is in request among many of the Greeks. But of this enough. Soone was the *Tetractérís* found faulty; therefore was made a Kalender of eight yeares, in which doubling eight times the difference of the Sunne, to wit, 11 D: 1. made up three Moneths, inserted every third, fift, and eighth yeare. But the scruples comming short in sixteene yeares 3 D: they intercalated three. And seeing still they could not make it even, *Eudemon* and *Philippus* made an Almanack for nineteen yeares, which by *Callippus* was produced to 76 Moneths 940. of them 28. ἐμβολίμοι, τὰ δὲ πέντε τὴν ἐμβολίμων ὁμοίως ἐχρήσαντο, saies *Geminus*. This was the progresse of their reformation.

a *Eclóg. Chr.*  
p. 225. *Petav.*  
gots not to  
h me. Lib. de  
Doct. Temp.  
1. c. 6.

\* Each of these  
two yeares fe-  
verally taken  
was called *over-*  
*tens*, joynd  
annus magnus.  
b *Loco laud.*  
c *Elem. Astro.*  
c 8. p. 36.  
d In *Audi. r'o*  
e *Loco citato*  
f In *Arg. O-*  
rat. contra  
And. p. 380.

g In *Arati Di-*  
scem. p. 74.  
h *Geminus* p.  
38. Whom I  
follow. Not  
ignorant that  
*Meton* was  
the first that  
made the Ci-  
cle of 19.  
yeares. Hence  
*Μέτωνος ἐπι-*  
*αυτοῖς. Με-*  
tons year is  
put for a long  
time prover-  
bially.

But we must look back again and consider that they counted their year two waies. First, of <sup>a</sup> C C C L X, as hath been already spoken, next C C C L I I I, when they made their months interchangeably *πλήρεις καὶ κείναις*, full and deficient, that is, one 29, the other 30 dayes, yet both Lunary. For that is proved even by the names of their daies. The first, wherein the moon appeared new, called by <sup>a</sup> *Synalapha* or contradiction of the words *νεμῶν*. The second *διδυμία*. The eight *δισχηνία*, or halfe fall : the full *πενσέληνος*. The last *τεταρτὴς*, <sup>b</sup> ἀπ' αὐτῆς τῆς συμβαίνοσθαι, because that in the dayes of *Thales Milesius*, <sup>c</sup> who was the author of that term, the month had 30, and no more, but ended: whence I suppose <sup>d</sup> αἱ ἐν αὐτῇ τεταρτάδες, signifie the dead, the period of whose life hath beene come to. Though *Diogenian* gives other reasons. And by the way we must not thinke, that they had no regard to the course of the Sunne; <sup>e</sup> sed tamen ut annus fieret Solaris, &c. But nevertheless that the yeare might be correspondent to the Sun, they put five daies, called *ἐπαρόμηναι* epacted, to the last Month *Scirophorion*, for the supplying of the defect. And so the yeare had 365 D: which was the true and just measure. But hee might have added, sometimes 366, by reason of that <sup>f</sup> which *Geminus* acknowledges the Greeks to have reckoned, although they accounted their Months but 30 D. This is that *annus implicitus*, which <sup>g</sup> *Aratus* styles μέσαν ἐνιαυτῶν. To this point the Greeke Authors, telling the years by seed time. <sup>g</sup> In *Antigon*. <sup>h</sup> *Sophocles*--Εἰλομῶντος Ἀρόττων ἔτις αἰς ἐτ'. For the ancients, saies <sup>h</sup> *Theon*, took the yeare three waies, either by the Sun, or seasons; as spring, summer, autumn, winter, <sup>i</sup> (*Sophocles*. Εξ ἧς αἰς Ἀρκτοῦρον ἐμμένους χεῖρας Χειμῶντι δ' ἦδη-- ) or thirdly, by the Moon; whose irregularity *Solon* is reported by <sup>k</sup> *Plutarch* first to have marked. Observing therefore that she on the same day overtook and surpassed the Sun, <sup>l</sup> αὐτῆς ἡμέρας καὶ καταλαμβάνεσαν καὶ παρερρῶμεν ἢ ἥλιον, he caused that to be called <sup>m</sup> ἡν καὶ νέα the old and new, because that remnant, which was before the conjunction, he thought belonging to the

<sup>a</sup> Then were all the months of 30 D. as you may see in Schol. Aristop. Achar. p. 412. c

<sup>b</sup> Gem p. 32. <sup>c</sup> Laertius in vita.

<sup>d</sup> Pollux l. 1.

<sup>e</sup> Petit. Eccl. Chro. p. 215.

<sup>f</sup> In Διοσημ. p. 78.

<sup>g</sup> In *Antigon*. p. 213.

<sup>h</sup> In *Aratum* p. 48.

<sup>i</sup> In *Oedipo* Tyr. p. 183.

<sup>k</sup> In vita pag. 66. l. 15.

<sup>l</sup> Plutarch.

<sup>m</sup> Laert. in vit.



the precedent Month, and that remnant which was after the conjunction, appertaining to the subsequent. (These pæces <sup>a</sup> *Aratus* calls *συνόριον Μηνῶν πύρατα*) in which matter hee is thought to have had *Homer* in sight, who in his *Odysses* termes the thirtieth day, as *Didymus* expounds it, Τῷ 30<sup>ῳ</sup> φθινοῦ μηνός, τὸ δ' ἰσχυροῖο. Where we may note that then they had no *μεσοῖον*, but counted from one to twelve in the ordinall numbers, used by <sup>c</sup> *Demosthenes* in one Oration, ἐν δεκάτῃ and δωδεκάτῃ ἑκατημβαιῶνος. Then putting the lesser to the greater they said *τεῖτῃ ἐπὶ δέκα, τετάρτῃ ἐπὶ δέκα, the third above ten, the fourth upon tenne, and so to twenty.* \* But when at the one and twentieth day they perceived the wane of the Moon to be great, and the light almost lost, they changed the order and used *δεκάτῃ φθινοῦρος, ἐννάτῃ, &c. the tenth of the decrease, the ninth of the decrease, and so to the twenty nine, δευτέρῃ φθινοῦρος, the second of the decrease, or from the end, going lower in number stil, as the splendor of the Moon was diminished, but the thirtieth they call'd ἐννὴ καὶ νέα for the cause above.* Here likewise they take the reason why the Moneth ending was *φθίνων* <sup>d</sup> *Εὐφρόνη δὲ δίνειν ὡστερὶ καὶ φθείρεσθαι δοκεῖ τὰ φθίνοντα.* Because the daies and Moons doe as it were die, according to that of *Horace. Novaq̃ pergunt interire Luna.* <sup>e</sup> *Macrobiius, quid aliud nisi illum φθίνοντα, dicit, cujus paulatim deficientis supputatio in nomen definit secuturi: Ὁ ἰσχυρὸν illum, qui praecedit numerum successurus priori in defectum meanti.* *Ἰσχυρὸς* standing to supply the place of the departing Moneth; fixed and still waiting untill the Moone shall have journeyed to the compleating and ending of the precedent time. Thus the last day of our lives is said to stand. *Virgil, Stat sua cuiq̃ dies,* as <sup>f</sup> *Æneid. 10.* unto which we must passe through all the rest, and once approach. Thus squared they their times and state matters to the Moone. Hence read we *μηνῶν καὶ πάλιν ἀρῆν, to count the Month as they do, who manage politick busineses, or belonging to government.* In which course they made their yeare of *CCCLIII* daies, which divided into ten parts make ten times

<sup>a</sup> In Diosem.  
p. 125.  
<sup>b</sup> Odyss. ξ.  
p. 164.

<sup>c</sup> Contra Timocratem, p. 446. n. 39.

\* Vide Plutarch. loco nuper laudato.

<sup>d</sup> Ulpian in Dem. p. 210.  
<sup>e</sup> Macrobius Sat. l. i. c. 16.

<sup>f</sup> Æneid. 10. p. 330.



Σελήμβειος.	Παρθένος.	Θισεί.	Θυσεία.	Γορπαῖος.	Ἐκατηβολίων.
Οκτώβειος.	Ζυγός.	Μερσιάν.	Φαωρί.	Ταρβερίδης.	Μενυχίων.
Νοέμβειος.	Σκορπίος.	Χαλιβ'.	Αδυεί.	Δίος.	Θαργηλίων.
Δεκέμβειος.	Τεξόπης.	Τιγίθ'.	Χοιδάκ.	Απολλά.	Σκίρροφοειών.

In which table although *Hecatombæon* be compared to the *Julian* Moneth *January*, yet it appears not that *Hecatombæon* was ever so removed out of his place, as *Petitus* will have <sup>a</sup> *Eclog. Chr.* it, *Epiphanius* contradicting, of which by and by. Indeed <sup>p.214.</sup> when the Christians in honour of their Easter began the year in April, they called April *Hecatombæon*, as <sup>b</sup> he himself <sup>b</sup> *Loco laud.* testifies. But that *Hecatombæon*, was alwaies the first Month is not probable. For when the *Athenians* under the dominion of *Alexander* the Great's successors changed the head of the year from *July*, to the seventh of *October*, it is like that they began at *Memæsterion* according to this <sup>c</sup> rule.

<sup>c</sup> Ex M.S. Bib-  
lioth. Bodleia-  
neæ in S.n.S.

Μαιμακπειών.

Ποσειδεών.

Γαμηλιών.

Αθησπειών.

Ἐκατηβολίων.

Μενυχίων.

Θαργηλίων.

Σκίρροφοειών.

Ἐκατηβουών.

Μεταγρηλιών.

Βοηδρομιών.

Πυανεσιών.

<sup>d</sup> Certaine it is that the same *Attick* Moneths are sometimes <sup>d</sup> *Vide Petar.* *Lunary*, and sometimes not, but of 30 D: or *Julian*; When <sup>in Epiphan.</sup> they are *Lunary* they have no sure seat, but are now at this <sup>p.138.</sup> time, then at another. And this hath been the reason why the same Months have not been suted to the *Julian*, by writers.



a Pag. 127.  
 b Pag. 163.  
 c In Olynth. 3.  
 d Pag. 148.  
 e Pag. 140.  
 f Pag. 167.  
 g Pag. 120.  
 h Pag. 167.  
 i Eclog.  
 l. i. c. 6. p. 213.  
 & Vide Petav.  
 in Epiphani.  
 pag. 139.

Ulpian on Demosthenes parallels Hecatombæon to <sup>a</sup> January, and in the Oration for Ctesiphon, to March, and again to <sup>b</sup> April. <sup>c</sup> March he calls Boædromion, which also he interprets <sup>d</sup> June. Elaphebolion <sup>e</sup> November, <sup>f</sup> September (in the margin February) and <sup>g</sup> December. <sup>h</sup> Thargelion, April, Munychion January. Scirrophorion, March. Which errors are cursorily noted by <sup>i</sup> Petit in part, to no great satisfaction. But when by the decree of Augustus Cæsar they were changed to conform their year to the Julian, they <sup>k</sup> thus numbred :

## Menses Attici.

## Menses Juliani.

Ελαργεσιών.

March.

Μενοχαιών.

April.

Θαργηλιών.

May.

Σκίρροφοριών.

June.

Ἑκαπμβαιών.

July.

Μετασειστιών.

August.

Βοηδρομιών.

September.

Μαιμακτηριών.

October.

Πυανεσιών.

November.

Ποσειδεών.

December.

Γαμηλιών.

January.

Ανθεστηριών.

February.

But of this, so much only. Wee must handle their Lunarie yeare because according to them were their feasts kept. From whence sometimes they would count, as <sup>1</sup> τοσόντων καὶ ὅσων ἐκ Διονυσίων. So much and as long since the Bacchanals; speaking of the age of a girl. For a more compendious way of comprehending their holy-daies view this Almanack.

Hecatombæon. July.

1 ΠΡΩΤΗ ΙΣΤΑΜΕΝΟΤ. ΠΡΥΤΑΝΕΙΑ ΠΡΩΤΗ.

2 Τετάρτη.

3 Τετάρτη.

4 Πέμπτη.

5 Εκτη.

Aristoph. p.  
 106. c.

- 5 ΕΝΤΗ. 21.  
 6 ΕΒΘΑΝ. \* Καθ' ὅσον Θνησέας Αθῆνας. Kept in memory of  
 7 \* ΟΓΔΟΗ the return of *Theseus* out of *Creet*, after he had  
 8 ΕΝΤΗ slaine the *Minotaure*. \* *Plutarch*. The solemn-  
 9 ΔΕΥΤΗ tie *Ovid* seems to describe. *Nullus Erethidis*  
 fertur celebratio illo fluxisse dies, &c. the eight  
 day of every Month was sacred to him. He had  
 also a festivall called *Theseia*, in honour of ga-  
 thering together the dispersed people of *Attica*  
 10 ΠΡΩΤΗ ΜΕΤΕΝΙΘ.  
 11 ΔΕΥΤΕΡΑ. ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.  
 12 ΤΡΙΤΗ. ΚΡΟΝΙΑ. Of these, as also of the day, speaks  
 13 ΤΕΤΑΡΤΗ. \* *Demosthenes*. Then did the Masters wait on  
 14 ΠΕΜΠΤΗ. their servants, as in the Roman Saturnalls.  
 15 \* ΕΝΤΗ. \* *L. Accius*. *Maxima pars Graium Saturno, &*  
 16 ΕΒΘΥΗ. *maxime Athena Consciunt sacra, que Cronia*  
 17 ΟΥΔΗ. *esse iterantur ab illis, Cumq; diem celebrant, per*  
 18 ΕΝΑΤΗ. *agros, urbesq; fere omnes Exercent epulis lati, fa-*  
 19 ΕΙΧΕ. *mulosq; procurant Quisq; sucs.*  
 20 ΔΕΥΤΗ ΦΕΒΟΥΡΙΟΣ. ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β. Hence was  
 21 ΕΝΑΤΗ. this Moneth called by the ancient *Athenians*,  
 22 ΟΥΔΗ. Κεφ' ὅσον; afterward *Hecatombeon*, from  
 23 ΕΒΘΥΗ. ἑκατομβάα, sacrifices to *Jupiter* or *Apollo*, as  
 24 ΕΝΤΗ. some thinke with the blood of an hundred  
 25 ΠΕΜΠΤΗ. beasts: For so were they profuse in their sacri-  
 26 ΤΕΤΑΡΤΗ. fices. \* *Ovid*. *Taurorum sanguine centum.*  
 27 \* ΤΡΙΤΗ ΠΑΝΑΘΗΝΑΙΑ. The Scholiast of *Homer*  
 28 ΔΕΥΤΕΡΑ. sayes that *Hecatombe* may be used for five and  
 29 ΕΝΗ Χ' ΕΝΑ. twenty beasts, whose feet make up the num-  
 ber of an hundred, ὅτι ἑξ ἑκατηχάσεων, ὃ ὅτιν ἑξ ἑκατοπτρε-  
 ζώων.

\* To *Minerva* the protectresse of their city, as hath been  
 before said, instituted by *Theseus*, as *Plutarch* & *παναθηναϊα*

ἑστία ν' ἐποίησε κοινῶς. At first they had the name *Ἀθωία* by *Eriethonius*, or *Orpheus*. In the time of solemnization there were rare shews exhibited to the people, such as horse races, wrestling, dancing in armour, called *Πυρρική*, from *Pyrrhus* that invented it; Then carrying in procession the *Peplos*, or robe, in which was wrought the fight of the Gyants. All which you may read in *Menrsius* at large, and *Aristophanes* his Scholiast.

a In Panathe-  
næis.

b Pag. 140

197. 180. & 81.

467. 580 650.

746.

The second of this Moneth is called *ῥέτις*, because it hath but 29 daies, and so alwaies in *cavis*.

### Metagitnion. August.

From the sacrifices of *Apollo*, called *Μεταγίτης* viz.

1 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

2

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4 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

5

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7 ΠΡΤΤΑΝΕΙΑ ΔΕΥΤΕΡΑ.

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17 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Α.

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ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Ε.

\* Boedromion. September.

1 ΝΙΚΗ ΕΝ ΠΑΛΑΤΑΙΣ. When Pausanias and Aristides  
2 overthrew Mardonius, Xerxes his Generall neare Platae,  
3 a citie of Beotia, <sup>a</sup> Herodotus, <sup>b</sup> Justin.

5 ΝΙΚΗ ΕΝ ΜΑΡΑΘΩΝΙ. Miltiades leader of the Attick

6 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ. forces got the upper hand of  
7 the Persians. In which battell

8 when Cynagirus pursued the

9 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ. flying enemies to their ships,

10 he caught hold of one with his

11 right hand, which lost, he made

11 use of his left; that cut off, hee in

12 token of his prowesse spared not

13 his teeth; to the eternizing of his name for valour a-

14 gainst his enemies.

14 \* ΑΓΓΡΗΜΟΣ ΜΥΣΤΗΡΙΑ.

15 \* In thankfulnesse for the delivery of Greece, at what

16 time Darius and his Fleet went homeward. <sup>b</sup> Aristides

17 describes the joy at full, and the erecting of an Altar

18 to Jupiter that freed them.

19 \* The greater in which they were made <sup>c</sup> ἐν ὧ, or

20 admitted to the sight of that they worshipped. The first

21 day was called ἀγυμῶς, perhaps from the conflux of the

\* From this moneth came the feasts Boedromia, from Theseus overthrowing the Amazons.

Plut. p. 2. or

Ion helping the Athenians

against Eu-

molpus. Ben-

δρῶν to aid

because in ne-

cessity they

made a cry.

Aristophan.

Βολῶ ἰσχυρῶς.

Lucian.

ὀππὸ ἀλγίδου.

Latini Quiri-

tari, hence

help came in.

<sup>a</sup> Callion p.

234. b. lib. 3.

<sup>b</sup> Tom. 1. pag.

257. see Plur.

in Aristid. p.

241.

<sup>c</sup> Sch. Aristop.

pag. 247.

Here) look on  
*Mewsius* for  
 brevities sake,  
 but if you  
 please to read  
 severally, see  
 Aristoph. Sch.  
 p. 85. 98. 131.  
 138. 455.  
 529. 647. 142.  
 218. 227. 228.  
 231. 233. 217.  
 262. 264. 516.  
 Aristid. T. 1.  
 p. 323. Clem.  
 Alex. in Plo-  
 tæp p. 10.

22 \* ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ.Α. people. The second *ἀλαδερύ-  
 23* *σας*, because the Crier then  
 24 warned them to goe to the sea. The third day they sa-  
 25 crificed a Barble, because it devours the sea hare, an ene-  
 26 mie to man. The fourth, two Oxen drew a basket, re-  
 27 presenting *Proserpine* gathering flowers, which wo-  
 28 men following cried *χαῖρε Δίωπερ*, Haile *Ceres*. The  
 29 *λαμπάδων ἡμέρα*. Hence *λαμπάδων ἡμέρα*, and  
 Hence is it termed *ἰάνχ*. The 7<sup>th</sup> day they exercise in feats  
 of activity & he that overcame had wheat given him. The 8<sup>th</sup>  
 was *Epidauria* from *Æsculapius* his comming from *Epidau-  
 rus* to *Athens* to bee initiated. In the ninth they filled two  
 measures of corne, and setting one at East and the other at  
 West, they powred them out, one looking to heaven and  
 crying *οὐ*, the other to the ground, saying, *πέδῃ*. Thus *Μεν-  
 sius*. That day was *πῆνωρχή*.

The second of this Moneth was left out ever, saies \* *Pla-  
 tarch*, instead of which some are perswaded, the name only  
 was omitted, as *τελείτη* for *τίτη*, which was recompenced by  
*ἐν δελχίτη φθίνοντες*, or *ισαμβ* as in a defective Moneth *δελχίτη  
 φθίνοντες*, for the the twenty. Of this judgement is the <sup>b</sup> worthy  
*Piciavins*.

a Sympof. Q.  
 l. 9. 76. & in l.  
 φιλὰ δελ-  
 χίς. p. 331.  
 b Lib. de doct.  
 Temp l. c. 5.  
 p. 11. D.

\* Mæmaste-  
 rion is to be  
 inserted here.

### \* *Pyænepsion*. October.

This Moneth took denomination from the feasts *Pyæne-  
 sia*. For mingling the remainder of their food after their a-  
 riving, they put it into one pot, and seething it, were jovially  
 altogether at the same.

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2 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

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7 ΠΤΑΝΕΨΙΑ. After that *Theseus* had buried his father,  
8 he paid the vow made at *Delos*, to wit, if  
9 he returned safe from the death of the *Minotaur*, hee  
10 would sacrifice unto him a pot of sodden beans. Hence  
11 *πτανέψια*, as it were *κκαμύψια*. For the antiques called  
12 *Αναδος ἐς τὸ δεῖγμα βορέα*. [beans *πυλῆς*.

13 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

13

14 ΘΕΣΜΟΦΟΡΙΑ. <sup>a</sup> *Plantus* calls this festivall *vigilias* <sup>a</sup> In *Aulularia*  
15 *Cereris*, which the *Attick* Dames

16 kept most sober and chaste, strowing their beds with *co-*

17 *νυza* for that purpose, it being an enemy to lust. They

18 prepared themselves with fasting, but after that tooke

19 their liquor freely. The number

20 of daies were three allotted, as

21 some, or foure, as others. When *Castellanus* saies that

22 *Ovid* makes them nine, is false; for that was the *Myste-*

23 *ria*, as we above have shewne. They were done in ho-

24 nour to *Ceres*, that gave lawes first, as shee is tearmed

25 *Δημιτῆρ δεῖγμα βορέας*. Of these you may read <sup>b</sup> *Aristophanes* <sup>b</sup> Pag. 611.

26 and his Scholiast.

27 <sup>c</sup> *Ἀπαύεια*. Kept this Moneth. When the Parents <sup>c</sup> 770. 782.

28 brought their children to their Tribes to be enrolled, I <sup>c</sup> 783. 819. 820

29 suppose for feare of deceit in patrimonies. Then they

30 made merry for four daies.

31 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Α. The first was *Δορπία*. The se-

32 cond *Ανάρρυστις*. The third, *Κερεῶντις*. The fourth, *Επίβοα*.

33 *ΚΑΛΚΕΙΑ*. In honour to *Minerva*. <sup>c</sup> *Maurusius* tea- <sup>c</sup> Græcia Fe-

34 ches us that they were celebrated the 17 <sup>c</sup> 1.1.

35 of this Moneth, but *Petius* hath thus

36 placed them.

*Mamacteron.*



*Memeſterion.* November.

This Moneth is to be placed before *Pyanepſion*, as I have above given notice, but in this Almanack I follow *Petitus*, who ſo hath ſet it, though much againſt the opinion of other learned; as Mr. *Selden*, *Petavius* and others, whom I would have you, Reader, to accept as for moſt approved.

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ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

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ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ. *Plutarch* in the life of *Aristides*, ſayes that the *Boeotians*,18 *ans*, nay and *Greeks* ſend yearly ſome to ſacrifice to19 the memory of thoſe that died at *Plataea*, and every five20 year they have great paſtimes, which<sup>a</sup> he ſets downe

21 the manner of.

22

23

ΠΡΥΤΑΝΕΙΑ. Δ. This Moneth is derived from *Jupiter Memæſtes* : for I ſuppoſe they

24 firſt found Gods, afterwards feſtivals to them. Not the

25 Months firſt, and then named the Gods from them.

26

27  
28  
29

*Posidon. December.*

From *Neptune*, who is *Posidon*. For the first day of this moneth was sacred to him, as <sup>a</sup> *Casaubon*. Hence he thinks <sup>a</sup> In Theoph. Charult.  
it to be called Ποσειδώνος ἡμέρα.

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4 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.  
5 ΔΗΝΑΙΑ. *Dionysia* τὰ κατ' ἀγροί. Without the citie. It seems when they had gathered in vintage  
6 and pressed their grapes. *Δώνη Torcular*. Then were they  
7 most jocund, as may appeare out of that. *Like the voice of*  
8 *them that tread the wine presse*, and in <sup>b</sup> *Oppian*. *ἑπιπλωτα* <sup>b</sup> *Κωμῶν. α.*  
9 *χαίρου*. On which words <sup>c</sup> *Conradus Rittarshusius* takes v. 127.  
10 *Διωμῶν* to be *January*. <sup>c</sup> *Page 18.*

11  
12  
13 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.  
14  
15  
16 ΑΛᾶα. A feast to *Ceres*. The day doubtfull. <sup>d</sup> *Demosthen.* d Pag 743.

17  
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23 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.  
24

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26 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

27

28

29 ΠΡΥΤΑΝΕΙΑ. ΣΤ.

30

*Gamelion. January.*

1 From the marriages first made by *Cecrops*, of whom be-  
 2 fore we have spoken, and more you may read in *Tzetzes*  
 3 on *Lycophron*. That moneth wherein this people coup-  
 4 led, hence is called *Gamelion*, from *Γάμος*, *nuptiæ*. It is sa-  
 5 cred to *Juno*, who by the Poets is called *Pronuba* and *con-*  
 6 *jugalis*, President of weddings and the marriage bed.

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9. ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Α.

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18 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

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28 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

29

*Antheſterion.* February.

1  
2 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

3  
4  
5 ΠΡΥΤΑΝΕΙΑ. Ζ.

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11 ΑΝΘΕΣΤΗΡΙΑ. Kept in great mirth for three daies in the honour of *Bacchus*. The first Πιθίσια may see *Antiph.* p. 293.  
12 from πῖθες the tubs, and ὀνεῖν, to open, for at the broad-  
13 ching of their vessels they drunk stiffly. The second 417. 419.  
14 Χοῶ from *Chus*, a good capacious vessel. In this he that 422. 222.

15 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Α. could drink down the rest The day was  
16 golden crowne. The third χρῆμα, I suppose different called χρῆμα  
17 from χρῆμα. From this festivall the moneth is named, likewise, but  
18 The twelfth of which *Dionysia* in *Limnis* were kept, not in the  
19 called μεγάλα & ἀρχαῖα τετρα. The 13<sup>th</sup> were acted Comæ- sense spoken.

20 dies, begun the 3<sup>d</sup> yeare of the 93 Olympiad, when In *Terent.*  
21 *Callias* was *Archon*. But after they were taught as a Do- p. 289.

22 nat and <sup>b</sup> *Ulpian* witnesse, and <sup>c</sup> *Aristophanes*, ὅτε πᾶσι In *Demost.*

23 σωτρίχῃ ὁπιδυμῶν τὰ κραινὰ δρᾶματα βλέπειν, saies one. p. 184.

24 ΚΤΡΙΑ ΕΚΚΛΗΣΙΑ. Β. c Pag. 143.

25

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## Elaphebolion. March.

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4 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

5

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7 Θυσία Ἀϋλητίων. ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

8

9

10 ΠΡΥΤΑΝΕΙΑ. Η.

11

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15

2 Contra  
Ctesiphont.

16 Διογύσια τῶν καὶ ἄνδρ.

17

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20 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.

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29 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

Of these 2 *Æschines* makes mention, and you shall have them obvious every where in the Greek Authors.

*Minychion.*

Munychion. April.

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ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

Μονύχια. Πρωτανία ἐνάτη. *Munychia* were observed to *Diana*, who was so called, and had a Temple in *Munychia*, by *Athens*. The Moneth beares the name. In this Moneth were the causes of strangers judged, \* *Arist. Sc.*

ΔΙΑΣΙΑ. To *Jupiter Meilichius*. The greatest day that the *Attick* route was kept in. See of this<sup>b</sup> *Aristophanes* and *Eustathius*.  
<sup>a</sup> Avib. p. 609.  
<sup>b</sup> Pag. 150.  
174. Ismen, & Ism. l. 2.

ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Α.



## Thargelion. May.

1

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5 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Β.

6 Θαρύλια. Το *Apollo* and *Diana*; holding it to be their na-

7 tivitie. On this day did they expiate for the sins of the

8 people. For they were wont to nourish some base men,

9 and of no account, at the publique charge whom in time

10 of pestilence, or the like, they sacrificed for the sins of

11 the city. Two in number, saies the <sup>a</sup> *Scholiast* of *Ari-*12 *stophanes*, whence they were called δημόσιοι; but more13 properly καθαίματα & φαρμακοί; <sup>b</sup> *Aristophanes*.

14

15 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ.

16

17

18 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

19

20 ΒΕΝΔΙΔΕΙΑ. Το *Diana*, who by the *Thracians* is  
named *Bendys*.21 ΠΑΝΑΘΗΝΑΙΑ ΜΙΚΡΑ. Not much different from  
the greater. See *Meursins*.

22 ΚΑΛΥΝΤΗΡΙΑ. ΠΡΥΤΑΝΕΙΑ. Ι.

23

24 ΠΛΥΝΤΗΡΙΑ. *Petitus* places it on the 24 day, o-  
thers will have it the 25. Το *Miner-*25 *va*, on which they take off the ornaments of her statue,26 and wash it I suppose, <sup>c</sup> *Plutarch*, <sup>d</sup> *Xenophon*.

27

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<sup>a</sup> In *Equites*.

pag. 353.

<sup>b</sup> In *Ranis*.<sup>c</sup> Pag. 152.<sup>d</sup> *Ελλην. α.*

p. 257.

*Scirrophonion.*

Scirrephorion. June.

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12 ΣΚΙΡΑ. To *Minerva*, from *αλεγειν*, a Canopie, under  
which her Priests did walke in pomp at that  
13 time: or from the statue of *Minerva* found in *Scirus*.  
14. *Schol. Aristoph.*

<sup>a</sup> Pag 497.

15 ΒΟΥΦΟΝΙΑ. It was not lawfull anciently to kill an  
16 Oxe: wherefore when one had slain that  
17 beast eating the meale provided for the sacrifice, hee  
18 slew him and fled, in memory of which this day was  
19 kept. Afterward they did mitigate the Law, and gave  
20 licence to butcher an Oxe, so that hee was not for the  
plough. To which *Juvenal* may allude. *Ut vetulus bos* <sup>b Satyr. 10.</sup>

*Qui domini cultris tenne* <sup>c v. 268.</sup>

21 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Γ. *miserabile collum Præbet, ab*  
22 *invito jam fastiditus aratro.*

23  
24 ΚΥΡΙΑ ΕΚΚΛΗΣΙΑ. Δ.

25  
26  
27 Πρωτανεία. ἡ πρώτη ἀγορά, &c.

28 Where *Petitus* makes the foure first Tribes to governe \* *Athen. Rep.*  
29 each his day, on those foure that abounded above the 1. 2. c. 3.  
30 yeare, \* *Sigonius* seems to agree, and \* *Mansuetus* ap- \* *In Notis ad*  
proves *Harpocra.*

\* De Doct.  
Tem. l. 2. c. 1.  
\* De emend.  
Tem. lib. 1

proves it. Neither is it misliked by \* *Petavius*. \* *Scaliger* hath falsely taught us otherwise, who makes each *Prytancia* to rule 36 daies, which none ever are to have done, except the first foure.

## C A P. XI.

*De Tragœdiâ, Satyricâ, & Comœdiâ.*

<sup>a</sup> Vid. Can.  
Chro. ad Gr.  
Epoch. Mar.  
Arund. p. 97.  
<sup>b</sup> Hermog. de  
Eloq. Meth. p.  
361. c. 33. Eu-  
stath. in Præf.  
ad Iliad.  
<sup>c</sup> Tract. de  
Trag. & Com-  
œd. præfat.  
Terentio.

<sup>d</sup> Marmo A-  
rundel. & ad  
ca. Seld. CL.  
P. æfixæ etism  
Aristophan.  
ἐπὶ κῶμῳ. δ.

Sch. in Naz.  
Stel. G. p. 106.

IT is taken for grant among the Ancients, that *Homer*, who lived <sup>a</sup> 907 yeares before Christ, was the first that taught <sup>b</sup> τραγικῶς λέγειν, to speak in Tragœdie; comprehending great and weighty matters in few words and very concisely, being more large and using circumlocution in matters of lesse consequence, which *Hermogenes* acknowledges to be the property of a Tragœdian. This foundation being laid, following ages still built (though rudely) a structure to small perfection. *Nam post illius tale tantumq; documentum, &c.* saies *Donat.* For after that *Homer* by the *Iliads* had represented a Tragœdie, by the *Odysses* a Comœdie, most ingenious imitators took those Poems and set them in order, and divided them, which at that time were inconsideratly, & without judgement written, impolisht, and in the first rudiments not so neat & trim, as in processe of time they were made. For Poësie was a great while in her minoritie, and very rude, after the first publishing of plaies. For we see little or nothing of <sup>d</sup> *Susarion*, the first Comœdian, worth our time; some few verses only, & so few as may but witnesse such an Authour. The originall of the word Comœdy is supposed to be taken from divers reasons: First, because in their revelling, kept in honour to *Bacchus*, they sung them, and so it may be derived from κῶμος, commosatio; κομῶμεν, signifying ἐπὶ μὲν οὖν αἰχρῶς ἔειπεν, to sing basely at the cup. Secondly, from κῶμος, sleep; because when any of the *Attick* husbandmen had been injured, it was the custome (as before hath been spoken) for the party abused, to come in the



the night season into the streets, and with a loud voice cry, such and such rejoyce in wrong, and commit such outrages, though there be Gods and Laws. And after that, proclaimed the parties name, who on the morrow was fought out by the husbandmen and much ashamed; by which these wrongs were redressed. Thirdly, from *πόλιν*, a street, because when the old Athenians would note a wicked mans life out to the world, meeting merrily in the streets and high waies, they laid open every mans life, and concealed not his name, <sup>a</sup> *In vicis & compita ex omnibus locis lati, alacresq; veniebant: ibiq; cum nominibus singulorum vitam publicabant.* These verses were first sung<sup>b</sup> in the green meadows, about the beginning of the spring; When the husbandmen kept the festivalls of *Bacchus* the God of Wine, to whom they sacrificed a Goat, because his biting is an enemy to the vine, the skin of which they took and sowed up close, filled with wine, and anointed it with oyle to make it slippery, and so hopped with one leg upon it, making themselves laughter at the falls they often tooke. This sport they call *ἀσκολιάζεν* from *ἀσπίς* a skin and *ἀλλεῖται*, to leap<sup>d</sup> *Aristophanes*. *Ἀσκολιάζ' ἐν πύρρῳ πρὸς τὴν αἰθείαν.* <sup>c</sup> *Virgil* hath fitly set it out.

*Non aliam ob culpam Baccho caper omnibus aris*

*Ceditur, & veteres incunt prescennia ludi:*

*Premi aq; ingentes Pagos & compita circum*

*Theſeida posuere: atq; inter pocula lati*

*Mollibus in pratis unctos saliere per utres.*

After *Susarion*, sprang up *Theſpis*, the first that made Tragedies, which by *Horace* are termed, *Lachrymosa poemata*, sad Poems; because they represent humane miseries, the misfortunes of Kings & great men especially, there being no place for a poor man, but only to dance, as<sup>e</sup> *Arrian* hath observed. Which thing gave an occasion to<sup>b</sup> *Socrates*, when he saw the most worthy & rich put to death under the thirty tyrants, to say to *Antisthenes*, doth it not repent thee that we in our lives never did some famous exploit? So in Tragedies we mark

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that

<sup>a</sup> Donatus de

Tru. & Com.

<sup>b</sup> Idem ibid.

<sup>c</sup> In synopsi

vitz Aristop.

Th. M. gifter.

<sup>d</sup> Plut p. 108.

<sup>e</sup> Geor. 2. p. 71

<sup>f</sup> Isa. Tzetzes

in Proleg. ad

Poetas, inter-

pres: *νόμας*,

*μέσις χρείας*

<sup>g</sup> In Epictet.

p. 95.

<sup>h</sup> Ælian. Var.

l. 2. c. 11.

that such as *Atreus*, *Thyestes*, and *Agamemnon* are slain; but what Poet was yet so impudent as to bring a base fellow on the stage sacrificed? Not supernumerary is that of *Enripides* for *K. Archelaus*, desiring that he would write a Tragædie of him, who prayed that nothing proper to a Tragædy might happen to him; meaning sorrow and lamentation. For so is *Τετραῷδια* used, as *ἑκταῷδια* for joy and mirth, and glee conceits. The first Tragædie that *Thespis* taught was that of *Alceſtis* repriving her husband from death by her owne, as *M<sup>r</sup> Selden* hath conjectured. This *Thespis* was forbidden by *Solon* to act his Tragædies, as *ἄνωφελην ἰδιδιοποιῶν*, a fruitlesse lying. *Horace* of him thus speaks:

*Ignotum tragice genus invenisse camæna  
Dicitur, & planstris vexisse poemata Thespis.  
Quæ canerent agerentq; peruncti sacibus ora.*

Upon which words some have written that his Poems were so voluminous, that he was constrained to bring them upon waines. But alas, a poore conceit! *Franciscus Lusinius, Uticensis* is of opinion that *Thespis* carried his scene upon cars: and *Acron*; That the *Chorus* carried about in waines acted Tragædies. *Chori planstris circumducti tragædias agebant.* I avouch that at the first the Poets acted alone their owne Fables; And to me it seems a ground for to stand on, the Greek Authors by the word *ᾠκοειτῆς*, intimating a Poet. *Οἱ ἀρχαῖοι ᾠκοειτῆς*, &c. The ancients, saies *Ulpian*, called the Poets *Hypocritas actors*, which we now terme *Tragædi*, such as *Enripides*, *Aristophanes*, &c. The place in which they sung their Poems, was a Scene upon a wain drawn in procession to the honor of their God *Bacchus*, as among the *Greeks* the custome was, saies the Scholiast of *Nazianzen*. Of the manner in those ancient times, *Plutarch* shall thus informe you. *Ἀμφοδὺς οἶνον καὶ κληματῆς*, &c. A pot of wine and a vine twig, then one drawing a Goat, next another with a basket of figs, and last of all the *Phallus*. In which solemnitie the Poets in waines following the pomp, might with controle laugh, scorne, and deride any they met, saies *Dionysius Halicarnas-*

*sen;*

2 Athen. l. 3.  
p. 90.

b Ad Mir. n.  
Arund.  
c Laert. in  
Solone. p. 40.

d In Horatii  
Poeticen.

e Schol. Arist.  
p. 142.

f In Demost.  
p. 40.

g Stel. β pag.  
107.

h ἄνωφελην ἰδιδιοποιῶν  
p. 343.

i Antiq. Rom.  
l. 7.

*seus*; or were wont, as the <sup>a</sup> Schol. of *Nazian.* to raise upon each other, whence *πυμπήν*, is as much as to convitiate impudently (though in a good sense sometimes <sup>b</sup> to celebrate the pom, or goe in proceffion in honour to the festivall) and *πυμπήν*, a scandall or reproach, *ὑβρις, λοιδορία*. Whence likewise came the Greek proverb, <sup>d</sup> *ὡς ἐξ ἀμάξης ληεῖν, tanquam ex plauastro loqui*, and <sup>e</sup> *ὡς ἐξ ἀμάξης ὑβελλεῖν, tanquam ex plauastro convitiari*, to give reins to the tongue, to be free in abuse. Which that they might doe the better without shame, or blushing, sometimes would they anoint their faces *amurca, olei face*, with the dregs of oyle, saies *Donat.* or of wine, (for so I interpret *τρύγα*) from which Poets by <sup>f</sup> *Aristophanes* are called *τρυγδαίμονες*. *Horace--Peruncti facibus ora*. Sometimes would they put on vizards, <sup>g</sup> which least they should hurt the head, were defended from the skin with a wollen cap, named *πυλίδιον*. A word elegantly used by <sup>h</sup> *Demosthenes*, in a Metaphor drawn from the liberty and impunity of the persons that wore it. *Οὐκ οἶσι δύναιτο δάτειν τηλικύτων καὶ ποσέτων ἀδίκημάτων καὶ πυλίδιον λαβὼν ἐπὶ τῷ κεφαλῷ*. Thinke not to escape scot-free for such villanie, though you get a *pileum* on your head. We may apply it in threatening to any slanderer, of whom we surely intend to be revenged. But I seem to forget the Poet, while I speake of the stage, I will therefore returne to him. *Thespis*, as I said, was the first that invented Tragedies; so called, as *Donat.* tels, because (lest there should be rewards wanting, by which good wits might be stirred up to write, and men encouraged to get them tunable voices *ad dulcedinem commendationis*) they gave the Actors a Goat. *Cap per namq; pro dono his dabatur*. *τρίγων* is a Goat, and <sup>i</sup> *ᾠδή* a song. *Horace, Carmine qui Tragico vilem certavit ob hircum*. Before that time some say that *Epigenes* the *Sicizonian* made Tragedies, but the most received opinion is this which *Horace* hath set downe of *Thespis*. Before him there was no art of poesie Tragick, but at their festivals, when they ascribed all their mirth and delight to their gods, they did it especial-

<sup>a</sup> Loco laud.<sup>b</sup> Hermog.<sup>c</sup> Meth. de Elo-  
quentia, c. 2. p.<sup>d</sup> 19.<sup>e</sup> Dem. pro<sup>f</sup> Corin. p. 134.<sup>g</sup> Schol. Arist.<sup>h</sup> P. 142.<sup>i</sup> Ulpian in

loc. cit. Dem.

<sup>f</sup> Nubibus p.

141.

<sup>g</sup> Ulpian. in

Dem. p. 254.

<sup>b</sup> De falsi

Legatione.



<sup>a</sup> Orat. πα-  
 εαπ. p. 242.  
<sup>b</sup> Charact. vi.  
 Casaub.

<sup>c</sup> Georg. 2.  
<sup>d</sup> Casaub. de  
 Sat. Poet. l. 1.

<sup>e</sup> Casaub. ib.

De arte Poet. brought in by *Thespis* as <sup>f</sup> *Horace*.

ly to *Bacchus* (and so afterward, when *Actors* are called, *Διονύσου τεχνῖ*), and *τεχνῖ*, simply by <sup>a</sup> *Demosthenes*, by *Donat. Artifices*. The word is used for Juglers, and such as *Hokus Pokus* in <sup>b</sup> *Theophrastus*) they would feast, and afterward scoffe and deride each other, which grew afterward a part of their solemnity. They would moreover dance at rude Musick, and from thence suppose they the *Chorus* to have sprung up. They would likewise cast forth *αὐτοχρηστικά*, as they terme them, in <sup>c</sup> *Virgil's* language, *versus incompitos*, <sup>d</sup> *Numeros innumeros eo tempore fundi solitos & sine arte*. For they had of old but two sorts of verses, *Heroicks*, in which they sung the praise of Gods and Noble-men, and from this in a short time with small care grew a *Tragœdie*; the other sort was *Iambicks* as toying and lascivious as the *Phallica*, but biting too, and from hence came a *Comœdie*. At first small was the difference between a *Tragœdy* and *Comœdy* <sup>e</sup> *constat sane, primis temporibus ignoratum fuisse discrimen inter Tragœdiam & Comœdiam*, and the reason is, because even *Tragœdies* had their wantonnesse and petulancie. At first they sung in honour to *Bacchus* *Dithyrambicks*, and afterwards neglecting him they praised their *Demi-gods*, which when the people saw they cryed downe, with *Οὐδὲν πρὸς Διόνυσον*, whence our proverbiall adverb is fitly used *ἀπὸς διόνους*, for nothing to the purpose. But to give content to the people, the *Satyres* did *Praludere*. But after that, when a *Tragœdy* took state they excluded the *Satyres*, and were only for sad and serious persons; by which mournfull Poems the people were wont to be cast down, sympathizing with the person represented, therefore to cheer them, a *Chorus* of wanton *Satyres* were

*Mox etiam agrestes Satyros nudavit, & asper  
 Incolumi gravitate, jocundantavit, eo quod  
 Illecebris erat & grata novitate morandus  
 Spectator, fundusq; sacris, & potus & exlex.*

In a *Satyrick* play, *Satyres* have a *Chorus* place, or else the persons



persons are Satyrick and ridiculous, and for the easing of the  
 mindes of the spectators, they would bring in Satyres for  
 sports sake; and many of their Tragœdies had some mixture  
 of Satyrick sport, saies <sup>a</sup> Casaubon. *Fuisse aliquando pluribus* <sup>a P. 129. de</sup>  
*Tragicis Dramatis interjectas Satyricas fabulas.* Of this I say <sup>Sat. Lucif.</sup>  
*Theſpis* was the first inventer, who likewise to ease the *Cho-*  
*rus* (<sup>b</sup> for that acted only) brought one actor upon the stage, <sup>b Lacæ. p. 220</sup>  
 to whom *Æschylus* added one, and *Sophocles* another, so the  
 number was three, *Æschylus's* is *δδρεγωνιστής*, *Sophocles* his  
*τετραγωνιστής*, a word put for an obscure & base fellow in *De-* <sup>c 184.</sup>  
*mosthenes*, *Ulpian*, *ὡς ἀδυνάτωτος ἢ ὑποκριτῆς*, Ipeaking of  
*Æschines*, if I remember, *Tully* calls them Actors *secundarii*  
 & *tertiarum partium*. <sup>d</sup> *Ut in actoribus Græcis fieri videmus,* <sup>d In divinat.</sup>  
*sæpe illum qui secundarum & tertiarum partium, cum possit ali-*  
*quanto clarius dicere, quam ipse primarum, multum summisste-*  
*re, ut ille princeps quam maxime excellat.* But let mee speake  
 what I have to say of a Tragœdie. <sup>e</sup> None was permitted <sup>e Plutarch in</sup>  
 once to act *Æschylus*, *Euripides*, or *Sophocles* his Tragœdies, <sup>vita X Rheg.</sup>  
 but they were to bee recited by the Scribe, that the Actors <sup>p. 45 2. B.</sup>  
 might (as I conceive) repeat them. *Τὴν δὲ πόλεως γεγυμνασίᾳ*  
*ἀρχαίᾳ μνάσκεν τοῖς ὑποκριτοῦσιν, ἐκ ἐξείνας δ' αὐτὸς ὑποκρίνεται.*  
 And to this purpose by a Law of *Lycargus* the Oratour  
 were they commanded to be transcribed, and kept under  
 custody *ἐν κοινῇ*. Yet the <sup>f</sup> Author of the life of *Æschylus* <sup>f Juxta finem.</sup>  
 writes, that the people made a decree, that he should receive  
 such a summe of gold, that would *διδάσκειν* the plaies of *Æs-*  
*chylus* after his death. I put the word *διδάσκειν*, *docere*. Because  
 Tragœdians as well as the Comœdians were said *εἰς διδασκῶ*  
*ντες ἐργάζεσθαι ἐργαζόμενοι*, to labour in teaching the people. And  
 for this end did the ancients lay out so much mony upon their  
 Theaters. <sup>g</sup> *Sed immane quos quantosq; sumptus, in Theatra,* <sup>g Heinſius</sup>  
*in Comœdiarum ac Tragœdiarum representationem fecerit an-*  
*tiquitas. Cum non mores tantum ab utrisq; emendari, ac pri-*  
*dentiam conferri, sed & scripta antiquissima, & formas Reipub-*  
*licæ, ac vitam magistratum, cum summo spectatorum fru*  
*ctu,*

in Comœdia examinari, factiones componi, ac gravissima subinde publico suppeditari crederent consilia. Not unfitly therefore did the Poet reply to the people that carped at him in the Theater. *I came hither to teach you, not to be taught by you.*

Hence of a Tragœdie or Comœdie the Greeke writers say, <sup>a</sup> διδάσκειν, *docetur fabula*, and διδάσκειν, *docere*, as sometime δεικνύειν, as you may see in <sup>b</sup> *Athenæus*. The following Poets did not alwayes represent their owne Fables, but oft-times their predecessors; so saies <sup>c</sup> *Quintilian*, the people permitted the works of *Æschylus* to be dealt with, because in many places his verses were not set in order. Hee brought great grace to the stage, & first taught *αλωοχαρίαν*. the painting of the Scenes; which some thinke *Horace* to aime at, when he saies, *Modicis instravit pulpita cignis*. Which because it was perfected by *Sophocles*, is thought (nay spoken affirmatively by some) to have been invented by him. *Sophocles* indeed did *πολλὰ κενεργεῖν*, bring in many new things, such as leaving out the action of the Poet (for before the Poet himself acted) by reason of the badnesse of his owne voice; hee found out white shooes, which the Actors and Dancers wore; he made the number of Dancers fifteen, before but twelve; he fitted likewise his Tragœdies to the natures of the Actors, &c. but that he invented *αλωοσεφείαν* I cannot finde. Somewhat like-

<sup>d</sup> T. Magister.

wise was added by *Euripides*: as to set out the Argument of the Fable in the beginning of the Tragœdie, as you may observe; leading the Auditor, as it were by the hand, to the last and principall point of that one action which he would represent, which by the glory of our nation, <sup>e</sup> *St Philip Sidney* is not past by, as frivolous, without noting. These three were the Princes of Tragick stile, who exhibited to the People every yeare at some certain solemnities their Poems, striving who should get the victory by the approbation of Judges, chosen for that purpose, called <sup>f</sup> *Διορυτταὶ καὶ Κεῖται*, and *σκεῖται* <sup>g</sup> *Διορυτταὶ*. Ten in number, thinke some at first, gathering out of *Plutarch*, in the life of *Cimon*, authority for it. Because

<sup>a</sup> Athenæus  
Dip. l. 6 pag.  
268. vide Ca-  
saub.  
<sup>b</sup> Pag. 270.  
<sup>c</sup> Lib. 10.

<sup>e</sup> In the de-  
fence of  
Poësie.  
<sup>f</sup> Heinſius in  
Proleg. ad A-  
ristarchum  
ſacrum.  
<sup>g</sup> Æſchines  
cont. Cæſeph.

cause when he had brought the Reliques of *Thesens* out of *Scyrus*, *Aphepsion* the *Archon*, in gratulation to him, chose not the Judges as soon as the Theatre was filled, and spectators placed; but presently after *Cimon* entred the Theatre with nine more of his fellow Captaines, of each Tribe one, after accustomed sacrifice he swore them Judges, who gave the victory to *Sophocles*, but then young; for which *Æschilus* grieving went into *Sicilie*, where he dyed, and was buried near *Gelas*. But out of this place we cannot prove that the number of these Critick Judges was alwaies Tenne. This we acknowledge done in testimony of high acceptance of *Cimons* service. And yet in judgement upon Tragædians, the number might be so great. For there seems to be a difference between the Judges of Tragædies and Comædies. The number of Tragick Judges, grant we haply to be such as we speak the power incontrollable, as from whom there was no appeal to others. <sup>b</sup> *Cum neq; provocatio ab iis esset, neq; de quibus illi judicarent, magistratus ceteri sententiam pronunciarent.* The Comick Judges were in number but five, from whence came the Greek proverb, <sup>c</sup> Πέντε κριτῆς ἐν γέραςι καὶ. *Sub quinque Judicibus lis est.* The <sup>d</sup> Scholiast of *Aristophanes* speaks somewhat uncertaine. Judges, quoth he, passe censures upon the Comædians, & they who had five voices were happy. Those were all. For if there had been ten of them too, it would have made nothing to the Poets felicity to have had equal voices. For the odde gave a great stroake. Hence wishes the *Chorus* in the behalfe of the Poet. *Εὖνὴ κελὶν νικῶν μόνον*, to be victor by one voice only. Another difference is that, whereas the Tragick Judges had free liberty of suffrages beyond the power of the people, the Comick had not: For whē *Aristophanes* taught his *Νεφέλαι*, they so much took the people, that they applauded the Poet cried him up Conqueror, *καὶ θεοτάτην τῆς κριτῆς ἀνῶθεν Δεισοφάνω*, ἀλλὰ μὴ ἄλλω γράφειν, saies <sup>e</sup> *Ælian*, and commanded the Judges to write *Aristophanes* uppermost (as the fashion was,) which <sup>f</sup> *Aristophanes*

<sup>a</sup> Plur. Cimon.  
ne p 352 l. 39.

<sup>b</sup> Heinsius  
loco laudato.

<sup>c</sup> Zenobius.  
<sup>d</sup> Ad Aves p.  
562.

<sup>e</sup> Var. H. l. 2.  
<sup>f</sup> Avib. p. 562.



nes calls *πρῶτος ἐν πινάκῳ*, the most excellent first, the next to him second, and next to him third ( which was no small praise, according to that of *Quintilian*, as I remember, *Honestum est in secundis tertiisque consistere* ) and no other. For which cause I suppose the Poets before reciting, were wont to sacrifice, and pray for the favour of the Judges and Spectatours. <sup>a</sup> *Aristophan.*

Οἱ μὲν δὲ τῶν πᾶσι νικῶν τῶν κριτῶν

Καὶ τῶν θεατῶν πᾶσι-- Where the Scholiast interprets

*οἱ μὲν* truly as it is to be understood, *δύχμαι*, to supplicate. And good reason. For if they pleased not the people in reciting,

<sup>b</sup> *Ranis p.248.*

they were overwhelmed with stones. To which use <sup>b</sup> *Aristophanes* points, saying-- *ἐκ ἐβάλλετο*; nay sometime would they hiss them, which they terme *κλαῶν* and *συνέθην*, sometime stamp them out of the Theater, which they call *πῆρσι*.

<sup>c</sup> *Lib 6.c.19.*

<sup>d</sup> *p.293.*

<sup>d</sup> *Æschines contra Ctesiph.p.98.*

*πῆρσι*, by <sup>e</sup> *Pollux* interpreted *ἐδωλίσαν* *τῶν κριτῶν κατακρούειν*. Another difference is that <sup>d</sup> the Comick Judges were punished if they judged not right, the Tragick not so. And for these reasons have some conjectured, nay positively written, that their

Judges were of two sorts, old and new, in which matter, if there be place for a conjecture, mine is, that they confounded both, making no oddes between the Critick Judges of Tragedies and Comædies. But of this, Reader, you may determine as your Authors shall afford authority. Before Judges, as I said, the Poets in emulation presented their labours, & they who in their opinion lost the day, were said <sup>\*</sup> *ἐκπίθην*, by

<sup>e</sup> *Casaubon* interpreted *non stare*. The time of exhibiting their Tragedies, were the holy daies of *Bacchus* called *Dionysia in agris*, or *Lenæa*, in the moneth *Posideon*, on the *Antheſteria*, or *Dionysia in Limnis*, in the moneth *Antheſterion*, on *Dionysia in urbe* in the moneth *Elaphebolion*, to which I find added the *Panathenæa* by *Thrasylus* in <sup>f</sup> *Laertius*, which some deny; yet the same write that when *Sophocles* exhibited but one, it was at this festivall. I say but one, becaule it was a custome among the Poets of ancient daies to entertain their people with

<sup>e</sup> *Heinsius*

*Prolegom.*

<sup>e</sup> *Sat. Poesi.*

<sup>f</sup> *Platone pag.*

220.



with more plaies then one. *Afot autem Tragicorum Græcorum fuit Athenis, ut modo singulas committerent fabulas, modo plures, faies a Casaubon.* Sometime in the same yeare three, <sup>a De Seneca</sup> and then was it called *τελορία*, sometime foure, and then they <sup>b De Seneca</sup> stiled it *τετραλορία*, <sup>c Τα δ' ἑπταλογία Δεσμωτη ἐκατότε ΤΕΤΡΑ</sup> <sup>d Læcius</sup> *ΛΟΓΙΑ* Whereof, saies mine Author, the fourth was a Satyricall play, the three other now treating of the fortunes of one and the same man, as those of *Æschylus*, named therefore *Orestia*; to wit, *Αγαμέμνων*, *Χορηγεύς*, *Ευριπίδης*. Which are all extant; the fourth was *Proteus Satyricus*. At other times they were not of the same subject, as that of *Euripides*. *Medea*, *Philoctetes*, *Diſtys*. The fourth was *Θεῖσι*, saies the Author of the argument to *Medea*. Where the interpreter seems to me not to reach to the expression of the Greek word *Θεῖσι*, *Σεισι* <sup>e</sup> *Meſſores*, *Satyros*; he ought to have rendred it thus, *Meſſores*, *Drama Satyricum*. For that the word bears this sense is sufficiently dilucidated by <sup>e Casaubon</sup>. That the greatest task of action lay on the *Chorus*, is as apparent as the Sun at noone. The number of them in Comœdies were twenty foure, and six *juga* (each *jugum* consisting of foure; but *σοῖχοι* foure, each *σοῖχ* <sup>f</sup> six men, in Tragœdies fifty, untill the time of *Æschylus* his *Enmenides*, the number of which so terrified the people, <sup>d</sup> that the children and younger sort fainted & the women suffered abortion; for which reason, saies *Pollux*, the number was lessened (which some deny) by law. They were by that Act brought to fifteen, five *juga*: I say *juga*, because they were divided into *σοῖχες*, and *ζυγά* *ζυγόν* was when the *Chorus* entred by three, and then it was called *κτ' ζυγά* <sup>g</sup> *πα* <sup>h</sup> *εῖς* <sup>i</sup>, by file. *Σοῖχ* <sup>j</sup>, when they came on the stage in rank five at a time; and this they terme *κτ' σοῖχες*. Sometime one of them entered alone, which they say *καθ' ἑνα*. Of interlocutors the ancients for the most part never had above three; but if a fourth spake, that they named *ἑταχόρῳσιν*; and if the *Chorus* supplied the part of a fourth actor, it was stiled *παρωκλῳισιν*. To speak of the severall verses of Tragœdies, is *ἀντιμετρεῖν*:

Lib. 2. Cap. 1.

Lib. 2. Cap. 1.

d Author vitæ  
Æschyli.

and I had rather speak of the action, then the art in composing & yet not much, only this of their motions, termed *στροφὴ* and *ἀντιστροφὴ*. Σῖξη, saies the Scholiast of Pindar, is a turning from the right hand to the left, in analogie to the motion of the universe *τὸ πρὸς τὸς*, from the East to the West; because Homer calls the East the right hand, the West the left: contrary to the Hebrews, who terme the South *Jamin*, which signifies the right hand, and the North they counted the left. *Ἀντιστροφὴ* was a turning from the West to the East, that is from the left hand to the right, as the Planets move. Another posture they had in their *Epodes*, for (if it be so in Tragœdies, as in Lyrick Musick, which I beleeeve) to expresse the immobility of the earth they stood still. They used *Epodes* for the most part at the end of the Acts, when the players avoided the stage. Thus much of Tragœdies; the authors of which were highly of old esteemed of; insomuch as after the dismall discomfite of the Athenians in Sicilie, they were relieved, who could repeat somewhat of Euripides. Nay, by a law made by *Lycurgus*, and established in Athens, *Æschylus*, *Sophocles*, and *Euripides* had statues erected in brasie for the continuation of their memory. After Tragœdies had proceeded to perfection, Comœdies were with great applause taught, as *Horace*,

*Successit vetus his Comœdia, non sine multa  
Laudè--*

He saies, *vetus Comœdia*, because a Comœdy was divided into three, or if you please so to speak, two sorts, the Old and New. I said three sorts, because \* the old was different from it selfe. The meaning is, that the old Comœdy, of which *Sannarion* (by some named *Sannyrion*,) was author, tended only to laughter, being without order and decencie. For the *Chorus*, now walking, now dancing about the smoaking Altars, sung *simplex carmen*, some naked verse, saies *Donat*. Which by *Cratinus* was redressed; for he ordained three Actors, and mingled with his sport, profit, I mean for instruction. For under the *Democracie* it was lawfull to exagitate and propose

\* Plur. in fine  
vitæ Niciæ.

b Plur. in vit.

c Resp. Pauf.

Atticis p. 18.

d De arte Po-  
etica,

\* Grammar.

η παλαιὰ ἐ-

ω τῆς διαφέρει

for a laughing stock Captains and corrupt Judges, Citizens given to bribery, and such as lead a dissolute life, naming the men upon the stage and fitting the Actors with vizards, bearing the shape of those whom they intended to deride. But as the state grew to an *Oligarchie*, that licence was taken away, *Eupolis* being cast into the sea by those, against whom he wrote his Comedy *Bapta*, and so drowned. Nay there was a law enacted not <sup>a</sup> *ὄνομασι κωμῳδεῖν*, to name any whom they wrote that Comedy of. Of which *Horace*,

<sup>a</sup> *Hermoz.*  
*Pattiti* p. 76.

-- *Sed in vitium libertas excidit, & vim*

*Dignam lege regi. Lex est accepta, Chorusq;*

*Turpiter obtinuit sublato jure nocendi.*

But when *Alexander* of *Macedon* grew potent and a terror to *Greece*, the Poets fearing lest any of their abusive wit might displease the great *Macedonian*, they changed the Argument of their plaies; and instead of abusing states & people they fell upon ancient Poets, or some part of History not truly written, personating the Actors so as to be most ridiculous:

<sup>b</sup> Sometimes scoffing on the stage at mean men, and this they termed *Νέα κωμῳδία*, the new Comedy. But after ward it was a piece of the *Athenian* policie to forbid that the people should be tossed on the stage, unless they would themselves, saies *Xenophon*; knowing that none were wont to be brought thither but the wealthier sort, *πλεῖστοι, ῥονχῶ, δυνάμει*.

<sup>b</sup> *Donat. Ge.*  
*neraliter ad*  
*omnes homi-*  
*nes qui medi-*  
*ocribus fortu-*  
*nis agunt, &c.*  
<sup>c</sup> *Athen Rep.*

Some are of opinion that no Player came on the stage untill thirty or forty; I dispute not the matter, for sure I am that *Sophocles* taught his first Tragedy at twenty eight, in which doubtlesse himselfe came on the stage. It being among the *Athenians* no disgrace, as the *Romans* accounted it, to appeare there. <sup>d</sup> *Emilius Probus. In scenam verò prodire, & populo esse spectaculo nemini in eisdem gentibus (Græcis) fuisse turpitudini: quæ omnia apud nos partim infamia, partim humilia, atq; ab honestate remota, ponuntur.* The place where the people beheld these plaies and pastimes was in the market place, <sup>e</sup> where they nayled scaffolds to a black poplar tree. For in

<sup>d</sup> *P. æfatione*  
*ad vitas. p. 2.*

<sup>e</sup> *Meurs. Attic.*  
*Lect. l. c. ult.*



<sup>a</sup> Thesmoph.  
p. 787.

ancient time they had no Theater of stone, only of wood, which they call *κεία*.<sup>a</sup> *Aristophan.*

-- Ἀπὸ ὄψι κήρων

ὑποκλίπασ' ἡμᾶς--

<sup>b</sup> Calaub. in  
Theoph. p.  
245.

<sup>c</sup> Zenobius.

<sup>d</sup> Cont. Leo-  
ch. i. p. 617. n.  
50. 51.

<sup>e</sup> Olynth. i.  
p. 7.

<sup>f</sup> Lacon apud  
Plut. Mor. p.  
421. e.

<sup>g</sup> Lib. 6. fac.

These were built by some, who upon some consideration of money admitted any to a seat, named therefore <sup>b</sup> *Θεατρῶναι*. Once it seems places were not hired. But there grew great enormities and abuses. For striving to get places, there rose wrangling and brawls, and fights; wherefore the *Attick* Senate ordained that each place should be hired for two *oboli* (in the Consulship of *Diophantus*, a *Drachme*, say some, whence rose the Proverb, <sup>c</sup> *Δραχμὴν χαλῶσα*; because at the establishing of it, there fell haile.) This money they called *θεατρικὰ*, from *θεατρῶν*, because with it they did *θεῖναι ἀπορρίξαι*, buy a seat to behold the shew exhibited. Now because the poor people had not to give, & so were deprived of the spectacle; *Pericles* desiring to be popular, made a law that they should receive out of the Cities revenues two *oboli* each man. <sup>d</sup> For the right of exacting which money, they were to produce the authority of the *Lexiarchicall* Rolles, as appears out of *Demosthenes*. For the distribution of this were certain officers appointed, named *οἱ ἐπὶ θεωρικῶν*. But afterwards *Apollodorus* strove that in warre and publicke necessity, these summes might be employed in military affaires, but he endeavoured in vaine; *Eubulus* in flattery to the people, enacting it capitall for any that should attempt that which *Apollodorus* did; which makes *Demosthenes* desist, willing, yet not daring to perswade to convert the money to the use of the Army. But see the folly of them! <sup>e</sup> For they spent as much on these sports as in obtaining the Mastery and liberty of Greece. And the end was miserable: for they became effeminate, and so put their necks under the *Macedonian* yoke. <sup>g</sup> Justin of the death of *Epaminondas*. *Siquidem amisso, quem emulari consueverant, in segnitiam torporemq; resoluti, non ut olim in classem exercitusq;, sed in dies festos, apparatusq; ludorum, redditus publicos.*



publicos effundunt : & cum auctoribus nobilissimis, poetisq; theatra celebrant, frequentius scenam, quam castra visentes. Versificatores Oratoresq; meliores, quam duces laudantes. Tunc vetus ægal publicum, quo ante milites & remiges alebantur, cum urbano populo dividi coeptum est. Quibus rebus effectum est, ut inter otio Græcorum, sordidum & obscurum antea Macedonum nomen emergeret, &c. Of the Theater I will say little, as also of the stage: Only that the places in the Theater were not promiscuous. For there was a distinction between the Senators and younger sort. The Senators was named <sup>αβελαικὸν</sup> among which it is probable the Judges had the first place, as <sup>b</sup> Pollux. The seats for the youth were called <sup>Εφηβικόν</sup>. One part of the stage was *Orchestra*, in which was <sup>Θυμέλη</sup>, either a Tribunall or an Altar. That upon all their stages there was an Altar sacred to *Bacchus*, is apparant out of *Donat*: he saies it stood on one side of the stage, before the doores, *Pollux*: who names it *Αλιδῆς*. There was moreover a Table called *Ειδὸς*, on which before the time of *Thespis* some body ascending in the Poets place, did answer the *Chorus*. <sup>c</sup> *Plutarch* thinks <sup>Θιξεν</sup> to be derived from <sup>Θις</sup>, because that before the building of Theaters the ancients embracing *Musick* only for institution of youth and praise of their Gods, sung the commendation of good men, and honour of their Deities in Temples.

a Aristoph. p. 578.

b Lib. 4. c. 19. p. 202.

c De Musica 441.

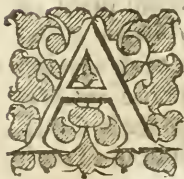


## LIBER TERTIVS.

## CAP. I.

*De Legum latoribus Atticis.* Νόμοι, ἄρχοι καὶ ἑγγεγραφοί.  
*ἡ φιλικία. Περὶ ἐλάδμου. De sancendis Legibus.*

<sup>a</sup> Lib. 2. p. 27.



<sup>S</sup> Justin hath been too forward in relating the mutation of the Athenian government, passing by the perpetuall and decennal Consuls, and naming only the yearly : so hath he erred in the originall of their Laws, making *Solon* the father of them. But it seems

<sup>b</sup> Arist. Plut.  
 pap. 67.  
<sup>c</sup> In Theseo  
 p. 8. l. 2.

otherwise. For, as <sup>b</sup> Gerardus hath observed, *Theseus* gave Lawes to the Athenians. And <sup>c</sup> Plutarch witnesseth, that when he congregated the Attick people, and constituted a *Democracie*, he reserved only to himself the government of war and custodie of the Lawes. Δημοκρατίαν (αὐτῶν) ὑπὸ μόνον ἄρχοντι πολέμου καὶ νόμων φύλακι χρησιμεύουσαν. Adde to this, that before the knowledge of letters & writing, it was a custome among the ancients to sing their Laws, lest they might forget them, used in the daies of <sup>d</sup> Aristotle by the *Agathyræi*, a people neare to the *Scythians*. Whence afterwards the rules

<sup>d</sup> Problem.  
 7μ. 1θ. αρ. xii.  
 fol. 189. b.

rules of Musick, for the true keeping of time, singing, & playing, are supposed to be called Νόμοι. Neither may it be thought otherwise, because all the notes of the <sup>a</sup> Lydian, Hypolydian, &c. Dorick, Hypodorick, &c. Phrygian, Hypophrygian, Ionick, &c. songs were distinguished by the Alphabet.

Yet <sup>b</sup> Plutarch is of opinion, that they derived the word from those bounds, which the Musicians of old prescribed, for the tuning of voices or instruments, lest they should be confounded; and therefore he calls it, οὐκίαν τῆτιν. <sup>c</sup> Idem. Νόμοι δὲ προσωπεῖοι εἶναι, ἐπεὶ δὲ οὐ ἐξέλιτο παραβλεῖναι καὶ δὲ τὸν νομὸν νομίσαντες.

The <sup>d</sup> Grækes, saies <sup>e</sup> Cicero, thinke the cause of this word, *ius suum cuiq; tribuendo*, intimating *εἰμεν*, which signifies to distribute, because the Law gives every man his due. Thus see we, that there were Laws of yore, let <sup>f</sup> Justin say, *Nullæ civitati leges tunc erant, quia libido regnum pro legibus habebatur*; That the City was without Law, because the wills of Kings were Laws. In succeeding ages, and before Solon too, Draco gave Lawes, living about the three

<sup>g</sup> hundred and ninth Olympiad. His Acts, saies <sup>h</sup> Ælian, were called *θεσμοί*. *Εκαλέσθη δ' ἐκείνοι θεσμοί*. Now *θεσμοί*, by <sup>i</sup> Ulpian is interpreted νόμοι.

A Law giving in precept how to make a Law. And yet

<sup>j</sup> Aristotle calls them νόμοι, giving them this commendation, that they are not worth remembrance, but for their great severity. Which gave occasion to <sup>k</sup> Herodotus to say, that they were not the Laws of man, ἀλλὰ δεικνύοντες, in a double sense of the word which is also put for a Dragon. And <sup>l</sup> Demades, that they were not written with black, but bloud. For he punished every peccadillo almost with death, those that were convicted of idlenes, or stealing of pothearbs, alike the sacrilegious and man-slayers. Wherefore were they made of none effect by Solon. For he abrogated all, except those which concerned murder, intituled *ΦΟΝΙΚΟΙ ΝΟΜΟΙ*. Him succeeded <sup>m</sup> Solon, a man so well tempered, and equall betwixt the Commons and the Peers, that he was beloved of both

<sup>a</sup> Vide Alypi-um in Isagege Musica.

<sup>b</sup> In libro de Musica.

<sup>c</sup> Loco citato pag. 437.

<sup>d</sup> De leg. lib. 1. fol. 16. b.

<sup>e</sup> Loco laudar. / Clem. Alex. p. 226.

<sup>f</sup> Var. hist. l. 8 c. 10.

<sup>g</sup> Arg. orat. conscripti.

<sup>h</sup> Polit. 2. c. 10.

<sup>i</sup> Arist. Rhet. l. 2. c. 44.

<sup>j</sup> Plut. in Solone. p. 63. l. 2.

<sup>k</sup> Demosth. p. 70.

<sup>l</sup> His lawes continued 100 years, sayes Plutarch, in strength. In Solone p. 66. and afterward by little and little decayed. Ælian. Var. hist. 2. c. 22.

<sup>m</sup> If any spoke against them, he had corporall punishment.

both



both, having still a care, lest while he should side with one, he might displease the other. Whom, for his uprightnesse, <sup>a</sup> *Juvénal* styles *Justum*, and for the care of the Republique, which <sup>b</sup> *Demosthenes* averres he had in all his Lawes, <sup>c</sup> *Aristophanes* termes, *φιλόδημος*, a lover of the people. <sup>d</sup> *Plato* brings him learning his Laws from a Barbarian: And <sup>e</sup> *Plutarch* tells us that he travelled afterwards into *Egypt*. But it seems by <sup>f</sup> *Ammianus Marcellinus*, that in the making of his laws he had the approbation and judgement of the *Egyptian* Priests. *Et Solon adjunctus sententiis Egypti Sacerdotum, latæ justo moderamine legibus, Romano quoq; juri maximum addidit firmamentum.* <sup>g</sup> *Diodorus Siculus* relates two things brought from thence to the *Athenians* by him. First, that all the *Egyptians* were compelled to bring to the governours of the countries their names written, and by what meanes they sustained themselves; wherein if any were found false, or that lived by unjust gain, he fell into danger of life. Secondly, it was a custom among them, that payment should be made only with the goods of the debtor, and that the body should not suffer. For they thought the citate alone to be subject to the creditor, the body addicted to the Cities in which they lived. Neither was it fit that Souldiers, who were to undergo hazard for their country, should for usurie be committed to prison, or the country be in jeopardy for the avarice of some one man: Which induced *Solon* to make the first decree, as <sup>h</sup> *Laertius* and <sup>i</sup> *Plutarch* say, of freeing the bodies; which, if there were not wherewithall to satishe the craving loaner, were compelled to serve. He therefore cut off all use, <sup>k</sup> as some write. or else <sup>l</sup> lessened the burthen of it, making it more moderate by his Law *σεισάχθεα*. so called from *σεισν*, to shake off, and *αὐθ*, an heavy weight. Forgiving himself first, <sup>m</sup> as *Laertius*, seven talents; or, as <sup>n</sup> *Plutarch*, five. But this seems to have been done for the avoiding of the aspersiō cast upon him as accessary to the injuries of some, who having an inkling of his intent, borrowed

much

<sup>a</sup> Sat. 10. A. 11.

274.

<sup>b</sup> Κατὰ Ἀρ. Σπ.

pag. 390.

<sup>c</sup> Pag. 190.<sup>d</sup> In Timæo.<sup>e</sup> In Solone

p. 66 l. 31.

<sup>f</sup> Lib. 22.<sup>g</sup> Bibliotheca.<sup>h</sup> Initio vitæ Solonis.<sup>i</sup> In Solone

p. 62. l. 8.

<sup>k</sup> Plutarch. p.

62.

<sup>l</sup> Andronio.<sup>m</sup> Loco laud.<sup>n</sup> Pag. 62. fifteen saies

Polyzetus Rhodius.

<sup>o</sup> Rhodius.



much money with hope of never making restitution.<sup>a</sup> *Cassan-* <sup>a</sup> In Laert. p. 14.  
*bon* is conceited, that this was not his first exploit, but long af-  
 ter he had sate at the sterne of the Weale-publique. Yet it  
 seems probable; there being no more compendious way to  
 make a man popular, then to give liberty to the common  
 people. Which he, to bring an innovation of Laws, did wil-  
 lingly invent; and they afterwards lovingly accepted. For in  
 testimony of their approbation, they kept a festivall named  
<sup>b</sup> Σηπύχθαια Here likewise may you observe the ancient flat- <sup>b</sup> Plutarch. p. 62. l. 43.  
 tery of the *Athenians* towards their owne vices, putting gild-  
 ed names on those things, which themselves were ashamed  
 of, calling <sup>c</sup> πόρναις, ἐταίραις, φόρως, σωπύχθαις, κυλαρχαίς, φρεφθίς τῆς πύ- <sup>c</sup> Plutarch. loc. laudato.  
 λεων, δεσμωνπύλαιον, &c. as our blades name drunkenesse  
 good fellowship; whores, shee sinners; and nigardise, thrif-  
 tineffe; springing from this root of *Solons*, who called <sup>d</sup> *ῥεῶν*  
<sup>e</sup> ὠποκοπιῶ Σηπύχθαιαν. <sup>d</sup> To these Lawes two ends were <sup>d</sup> Demost. p. 477.  
 proposed, mutuall commerce, and direction of behaviour to- <sup>e</sup> Idem p. 484.  
 wards the state. <sup>e</sup> To curbe wickednesse, and unjustice; and to  
 punish offenders that they may be bettered. And although  
 they were the ordinances of *Draco* and *Solon*, yet may wee  
 fitly call them the *Athenian* Civill Law. Each Citie, as <sup>f</sup> *Justinian* teaches, giving a denomination unto her Statutes. <sup>f</sup> Institut. l. 1.  
*Nam si quis velit Solonis vel Draconis leges appellare jus civile* Tit 2. Sed jus  
*Athenienfium, non erraverit.* They were engraven in tables of quidem civile  
 wood called <sup>g</sup> ἄξονες, triangular, if we may beleeeve the ex unaquaq;  
<sup>h</sup> Scholiast of *Aristophanes*, who quotes *Aristotle* and *Apollo-* civitate appel-  
*dorus*, witnessing that they were called <sup>h</sup> κύρβεις, also <sup>g</sup> ῥεῶν τὸ κε- Athenienfium  
<sup>i</sup> κορυφῶδες εἰς ὃ ἴσος ἀνὰ τεταυρῶν, from the elevation. <sup>i</sup> Some are of Sch. Apollo.  
 opinion that the rites pertaining to the gods, and their wor- <sup>j</sup> Rho. Argo. 4.  
 ship were written in the *Cyrbes*, and Lawes belonging to <sup>j</sup> In Avibus  
 men in the *Axones*. *Apollodorus* sayes that all decrees are <sup>k</sup> pag. 604.  
 called *Cyrbes*, because they were written in stone; and so set <sup>k</sup> Vide Plut.  
 up, <sup>l</sup> which from their standing, were termed <sup>l</sup> εἰλαι. I know <sup>l</sup> num in Naz,  
 that decrees, merits, praise and dispraise too, were written in <sup>m</sup> σιλη. α.

a In Solone  
pag.66.

\* Pollux.l.8.  
pag.408.

b Solone pag.  
63.l.37.

c In Pausani-  
am p.426.  
d In Eliacis  
pag.174.  
e Eodem lib.  
pag.165.

f Contra Ap-  
pionem. Vide  
Justinianum.  
Inst.l.tit.2.  
g In Avibus  
pag.576.  
h Pag.577.  
i Vide Justi-  
anum.

tending to a mans disgrace. But this by the way. These Ta-  
bles were kept in the *Acropolis*, translated afterwards to the  
*Prytaneum* by *Ephialtes*, where to the dayes of <sup>a</sup> *Plutarch*,  
some reliques of them were to be seen. The *Autographon*, or  
copy written with his owne hand was not removed, but  
those that were transcribed by them. Because in matters of  
doubt and controverſie they might have recourse unto them.

\* For the distinction of which, some think that *ὁ καὶ τωθεν νόμος*  
is used in *Demosthenes* for that in the *Prytaneum*. Others for  
the Law in the lower part of the table; but to me it seemes  
improbable, for then the number of the table ought to be ci-  
ted; and indeed, one Table sometime could not containe a  
Law. For we read in <sup>b</sup> *Plutarch*, that the eight Law was cut  
in the thirteenth Table. I am not averse from the guesſe of  
*Peitius*, who supposes the Orator to meane the Law which  
afterwards he quotes; not ignorant of the opinion of some,  
who think that it is to be understood of the under line. For  
the Lawes being written *βασπορηδόν*, *converso sive retrogrado*  
*literarum ordine*, saies <sup>c</sup> *Silburgius*; which <sup>d</sup> *Pausanias* ex-  
plaines, *ὅππῃ τὰ λαίκα ἐν δεξιῶν*, from the right hand to the left,  
<sup>e</sup> or more significantly, *Ἀπὸ τῆς πέρας* τῶς ἐπὶ τῆς δεξιᾶς τῶν ἐπὶ τῶν τῶ  
*δὲ περὶ*, ὥστε ἐν διαύλει δρόμῳ. When the second verse be-  
gins at the end of the former, as in the race which they call  
*Dianlus*, or if I shall speake nearest to the word, as husband-  
men turne their Oxen when they plough, as for example.

ΕΚ ΔΙΟΣ ΑΡ See those that have written of divers  
ῥΩΣΕΜΥΧ waies of writing.

They therefore take the lower, that is turned, *ὁ καὶ τωθεν νόμος*.  
After this manner were the Lawes written, and doubtlesse  
there were some customes as strong as Lawes. For although  
the *Lacedemonians* governed by tradition of custome, and the  
*Athenians* by written statutes, as <sup>f</sup> *Josephus*, yet surely had  
their customes great force, insomuch as <sup>g</sup> *Aristophanes* uses  
*νόμος* for *ἔθος*. *Αἰχρὶ νόμῳ κελεύεσθαι*. <sup>i</sup> *Scholiastes*. *νόμον ἰδὲ ἔ*  
*πάντα τὸ κεγεμμένων ἐστὶν ἀλλὰ τὸ ἔθος*. So did the <sup>k</sup> *Greekes*  
divide

divide their Laws into *ἐγγεγραμμέναι καὶ ἀγεγραμμέναι*, written and unwritten. The unwritten, *sine scripto jus venit, quod usus approbavit*, use. The <sup>a</sup> Interpreter of *Sophocles* thus. Νόμος ἐστὶν *ἐγγεγραμμένος* *συνήθεια*, *συνήθεια δὲ ἀγεγραμμένος νόμος*. A Law is a written custome, and a custome an unwritten Law. Besides these there were decrees, which they termed *ψήφισματα*, *psēphismata*, a word used by <sup>b</sup> *Cicero*, nothing different, *ψήφισμάτων ἐδοθέν διαφίξασιν εἰ νόμοι*. <sup>c</sup> *Demosthenes*, who means in virtue and power. For they differ much. <sup>d</sup> A Law maintaines justice once found, common for ever. A *Psēphisma* follows the necessity of the time, as it differs in events: it directs not warlike affaires, but is applied unto the occasion of arms, and as lawes can be abrogated, so degrees changed. And here ought we to note, that no decree is greater then a Law. Of decrees there were two sorts; <sup>e</sup> τὰ βουλῆς *ψήφισματα*, such as the Senate by it self established, which were but of twelve months continuance; to the confirming of which, the people were not convoked, or their consent required, termed <sup>f</sup> *προβουλεύματα*, which *Demosthenes* proves to be *ἐπίτεια* *Ulpian* *ἐπὶ ἐνιαυτῷ*. Like to the edicts of the Roman Prætors which lasted but a yeare. <sup>g</sup> *Cicero*. *Qui plurimum tribuunt edicto, Prætoris edictum legem annuam esse dicunt*. In other decrees the opinion and good liking of the people was asked, for the giving of the authority unto them, which endured in force a longer time. <sup>h</sup> τὰ δὲ ὑπὸ τοῦ δήμου γινόμενα, καὶ πλείονα μῆκει χρόνον. And therefore wee may easily know a *probuleuma* from a decree of the peoples confirming, by this observation. *Εἰδὲς τῇ βουλῇ* only, gives us to wit, that it is a *probuleuma*. *Εἰδὲς τὸ δῆμῳ*, in the beginning of a decree, shewes it to be *ψήφισμα* *παρὰ δῆμῳ καὶ ἀλμαμον*. The Senate alwaies sate in consultation about that which was to be enacted, whether any damage might accrue to the State by it or no, the Law commanding that no decree should go forth without deliberation. <sup>i</sup> ἀπεστέλλετο δὲ ψήφισμα καὶ εἰσέναι ἐν τῷ δήμῳ. Which done, the *Prytaneis* took certain Tables and wrote on them,

<sup>a</sup> In Ajicem Locarium.

<sup>b</sup> In Orat. pro Flacco.

<sup>c</sup> Cont. Lept. p. 296.

<sup>d</sup> Artilides. Tom. 2. p. 30.

<sup>e</sup> Demosthen. pag. 416.

<sup>f</sup> Demosth. κατ' Αλεξο- κράτους. p. 417.

<sup>g</sup> Ulp. in Dem. p. 418.

<sup>h</sup> In Verf. r.

<sup>i</sup> Ulpian loco laudato.

<sup>k</sup> Ulp. in Arg. Orat. And. p. 181. Vide

Dem. p. 182.

n. 10. vi Plur. olone. p. 63.

l. 31.



*Such or such a day, about such a time there should be an assembly to consult of these and these affaires :* and this they called <sup>a</sup> *πρό-  
γεγεμια*.

When then they were assembled, and the people purified, the decree was read; which if the people allowed of, stood; if not, decayed. It was forbidden that any should raze out a Decree of any Table. And he was brought in question of life, who should presume in making a decree to pretend a fallacie. Now because future time might haply perceive some inconveniences to arise by oversight in their Law-giver, and that as abuses should happen, which in his dayes were not discerned, so there would be a necessity of making new statutes : It was ordained therefore that every yeare there should be *ὅτι χειροτονία νόμων*,

which <sup>b</sup> *Ulpian* expounds *διδοσκίς ὅ, π δεῖ ποιῆν πρὶ τῶν νόμων*. A consideration of what ought to be done concerning the Laws. The manner was thus : Every eleventh day of July in the assembly after the Crier had made his prayes, as his fashion was, and shall anon be spoken of, the Laws were read over in order. First, those which concerned their Senate, next the weal-publique; and thirdly the nine *Archons*, & afterwards the other Magistrates. Then was it demanded if there were Laws enough for the Senate, and so for the Common-weale, &c. If any of the Laws in force were to be abrogated, it was adjourned untill the last of the three daies of the 3 Convocations. On which the *Prytanes* appointed for the revising and reciting of the Lawes, were to take the matter in hand. The *Proedri* chiefe of the Assembly, were to <sup>d</sup> acquaint them with it. Five men at the first meeting were chosen out of all the *Athenians*,

who should patronize the Law to be abolished; and according to the judgement of the *Nomotheta*, chosen out of the Councill of five hundred, was the business carried, that the Lawes should be of none effect, or full strength. Whosoever would bring in a new Law, was to write in a Table, <sup>e</sup> *ἐς λαβὴν κώμας*, *Demosthenes*, the forme thereof, and let it up at the Statutes of the *Heroes* before spoken of, <sup>f</sup> *πρὶς τὸ πρυτανεύμα*,

which

<sup>a</sup> Sch. in Naz.  
517. u. pag.  
55. vid. Ulp. in  
Dem. p. 240.

<sup>b</sup> Demost. p.  
445.  
<sup>c</sup> Vid Dem.  
loco cit.

<sup>d</sup> *χρηματιστὴν*  
Demosthen.  
Ulp. expounds  
*ὑποβάλλειν*  
to report.

<sup>e</sup> Cont. Ti-  
moct. p. 446.  
<sup>f</sup> Demosth.  
p. 297.



which standing in a place conspicuous, that some certaine daies before the Sessions, any Citizen might read what was to be handled; and if any so pleased, he might at the proposall of the Law declare his mind either for, or against it, as at the preferring of a *Bill in our High Court of Parliament*, where it is not denied any *Burges* or *Knight* of a shire, to speake his opinion *pro* or *con*, either with any whole Bill or some part thereof, or in opposition to it, or some one clause. Provided likewise that hee, who attempted to enact a new Statute, should take care for the disanulling of the old, that might contradict it, otherwise he came within the compasse of *ὑπερνομίας παραβίασις*, a writ of *Transgression of the Lawes*: which was of two sorts. First, when time is not observed in writing them, *ἢ ὅτε δὲ ὀνεισιμένον χρόνον*. Next when one is made that is adverse to a former. And if it so hapned, that any perswaded the people to make a Law that was not commodious to the weale-publique, hee might bee questioned within a yeares space; but if the time was expired, he could not. Nay, they slew *Eudemus*, a *Cydiathenian*, for bringing in a Law they liked not; scarce different in that one example from the *Locri*; among whom, he that would propose a Law, should doe it, his neck adorned with a halter, that if his request pleased not, he streight way powred out his soul under the hands of the hangman. Their Orators, which are called *δημαγωγοί*, because they lead their people with their Rhetorick and flattery, wrote Laws and decrees, as we learn out of *Demosthenes*; and therefore are they deciphered by *Ἀθηναῖοι*, *οἱ λέγοντες καὶ τὰ ψηφισμένα χαράξαντες*.

a Ulp. in D. m. p. 297.  
b Dem. Orat. Arg. con. Lep. tinem.  
c Dem. p. 419.  
d Idem p. 468.  
e Gellius l. 3. c. 13. If. Cal. listatus Athenis Orator fuit, quos illi. *δημαγωγὸς* appellat.  
Livie Dec. 4. of Athens, ubi Oratio plurimum pollet, favore multitudinis alitur, Ulpian. *δημαγωγὸς* ὁ *δημὸν ἀγχαίνων*.  
f Pag. 468. n. 225.  
g Dipsos. l. 2.

## C A P. II.

*De Comitiis. Κνεῖα & Σύσκελιος Εκκλησία, &c.*

THE Assemblies were called by the *Prytaneis* foure times in five and thirty dayes. <sup>f Pollux. l. 8. c. 9. Sec. 7.</sup> In the first they confir-

med the Magistrates in their offices, if all things were managed well by them; otherwise they put them out. They heard publick causes, looked into confiscate goods, and possessions left by inheritance. In the second, any one with leave might freely speake of private and publique affaires. In the third, they gave audience to Ambassadors, who before ought to deliver their letters to the *Prytaneis*. In the fourth, they treated of holy things, such as belonged to their Gods and worship of them. The first meeting was the eleventh day of the *Prytanea*; the second, the twentieth: the third, the thirtieth: the fourth, the three and thirtieth. I finde a difference between the <sup>a</sup> Scholiast of *Aristophanes* and *Ulpian* in the daies on which they came together, one making the first day of the Moneth to be the day on which the first assembly was, the other the eleventh of the *Prytanea*, which seems truest. And whereas they both write that every month there were three lawfull assemblies, to wit, on the first, tenth, thirtieth; or tenth, twentieth, thirtieth, we are not so to reckon them, but according to the *Prytanea*, it being the *Prytanes* charge to congregare the people. They seem to have been called *Κυεῖαι* *Εκκλησίαι*, because in them they did *κυρεῖν ψήφισματα*, establish decrees, as the <sup>c</sup> Scholiast of *Aristophanes*. Other assemblies there were which are termed <sup>d</sup> *σύγκλητοι*, when war, or any sudden accident troubled the State, then the people were called together over and above those four times in a *Prytanea*. They are styled *σύγκλητοι*, because the people of their owne accord met on the other dayes; but when they would have a Convocation some went about the City and called them. There is likewise <sup>e</sup> *κατεκκλησία*, when they were summoned out of the fields to go to the Assembly. It seems to me that the Crier in the streets on their lawfull assemblies gave some token when they should hasten; and so much <sup>f</sup> *Aristophanes* witnesses bringing in the women speaking that it is high time to be stirring, because the Crier *ἤδη τὸν χρόνον κέλευεν*, had cryed the second time. And indeed need there was of some warning

<sup>a</sup> In Achar.

p. 37 l.

<sup>b</sup> In Dem. p.

445.

<sup>c</sup> In Acharn.

<sup>d</sup> Ulp. & Sch.

*Arist* loc. laud.

<sup>e</sup> Poll. p. 405.

In concio-

nanti p. 725.

warning and compulsion too; for so slow were they in coming to assemblies, that the *Logista* were fain to thong them to the meetings, as the Schol. of *Aristophanes* on these words <sup>a</sup> Ἰὸς δ' ἱμάντας ἐν Λεωρῶν. Sometimes they tooke a rope, and <sup>a</sup> In Achar. p. 406. dying it with red earth, they sent two slaves into the market place, who should one of the one side of the way, & the other of the opposite, pursue the people, & to whose chance it fell to be marked with the paint, paid a certain peece of money. Hence in the <sup>b</sup> Comædian--Καὶ τῷ καὶ τῷ τὸ χοῖον ἐδύναται τὸ μεμλτωμένον. Up and down they shun the cord stained with Vermilion: And again--ἡ μίλη δ' ὡς Ζεὺς φίλπειτε γέλων παρέχον ὡς περὶ ῥαϊνὴν καί κλω. *Jupiter*, the red earth which flew about made laughter. <sup>c</sup> Sometimes would they take Hurdles, and barracado all the streets except those that led to the *Ec-clesia*: Sometimes take away all their saleable wares which they brought into the market, lest peoples intent on their traffique should absent themselves from the Assemblies. When they had met oft-times the company would be dismissed at some prodigious sign, as thunder, lightning, tempest, and the like, which they called <sup>d</sup> Διοσημεία, <sup>e</sup> and earthquakes, or other occasions, deferring the Assemblies meeting untill the next day. When they were come together, and the Senate ready to sit, one man sacrificed; which rites were called <sup>f</sup> Τισιπήεια, because they were done at the entry of the Council. <sup>g</sup> *Ulpian* προηγεῖ ἡ δέισις ὁ βελῆς ὁ τὸς θυσίας ποιῶντος. I will not justly say that it was the purification made with a young pig before the bench was sate; and yet I may presume to averre it; the Grammarian that interprets <sup>h</sup> *Aristophanes* witnessing that immediatly preceding the Sessions this custom was observed by one, who they named <sup>i</sup> Θεισπάρχος, from <sup>j</sup> θεῖσις, τὰ καθαύσια, which signifies cleansing, because by that he purged the Assembly, Theater, and congresse of the people. After they were sate, <sup>k</sup> the Cryer did pray for the good of the people, & cursed those who should offer to deceive the Senate or people. After this, he spake with a loud voice

<sup>b</sup> Aristoph. Achar. p. 371.

<sup>c</sup> Schol. Arist. loco laudato.

<sup>d</sup> Vide Arist. p. 379.

<sup>e</sup> Plut. p. 386.

<sup>f</sup> 1.7. & 384. l. 34

<sup>g</sup> Demosth.

<sup>h</sup> 2. p. 241.

<sup>i</sup> Vide & Ul-

<sup>j</sup> 12. p. 351.

<sup>k</sup> In Conscion. p. 728. A.

<sup>i</sup> Demosth.

<sup>j</sup> 2. p. 213.

<sup>k</sup> Id. p. 418.



<sup>a</sup> Alcidas  
Aristoph. p.  
372. Diod.  
Sic. l. 15.  
<sup>b</sup> Demosth. p.  
29. Æschines  
contra Ctes.  
initio.  
<sup>c</sup> Philippic. 1.

voice, <sup>a</sup> Τίς ἀγορεύειν βέλει; Who will make a speech; where-  
upon one of the <sup>b</sup> Elders arose that gave his verdict, it being  
not permitted to any to utter his opinion before the reve-  
rend hoary head had spent his judgement. Whence by <sup>c</sup> *De-*  
*mosthenes* they are stiled οἱ εἰωθότες, those that were wont to  
orate. After they had finished their sayings, others had leave  
to declare themselves. Neither must we omit the fashion  
they had to exclude all private men from their assemblies  
sometimes, when the Senate alone sate, or the *Areopagitisall*  
Councell; sometimes to debarre all servants, strangers, and  
men deprived of their liberties from their convents, which  
at other times they admitted, and then was it called <sup>d</sup> ἀπεπλά-  
μυτον ἑστια καὶ τὸ θεάτρον, an open Theater to all commers. The  
place of meeting was called πύξ, *Πύξ*, ἀπὸ τοῦ πεπυκῆσαι αἵ-  
δεας ἐν αὐτῇ, from the frequent concourse of people there. It  
stood on a rock, and therefore by *Aristophanes* is called πέτραι.  
345. Sch. ὁρενὴ δόλω. There was a stipend for them that came  
to Assemblies, as you may see in *Demosth. contra Timoc.* And  
αὐτοὶ βοιωτῶν καὶ ὀρύματες. Because they might bee at leasure  
without damage. *Aristot. Pol. l. 1. c. 13.* They assembled also  
in *Piræus. Ulp. in Dem.*

<sup>d</sup> Plut. p. 352.  
L. 11. 17.

### CAP. III. SECT. I.

*De Tribunalibus Atticis, & primum de*  
*Senatu Περικλοσίω.*

<sup>e</sup> Plut. Solone,  
p. 60. l. 31.

**V**When the mutinie between the faction of *Mega-*  
*cles* and *Cylo* disturbed the *Attick* commonwealth,  
*Solon* perswaded the people that those, whom for their auda-  
citie in drawing away the suppliants from the Altars they  
named ἐναγείς, should undergoe judgement, there were cho-  
sen <sup>e</sup> three hundred men, κείσινδύω, according to their worth,  
to sit upon the case. But these were not a perpetual judicato-  
rie. For when the people murmured at the cutting off of the  
usury

usurie money, then was the Grand Councell ordained; out of every Tribe, which were then but foure, an hundred chosen, who by their advice should direct the people in those things which were to be handled, lest any thing should be inducted, or proposed to the Assembly, without due consideration. Who from their office in a *Democracie*, <sup>a</sup> *Aristotle* saies are more properly called *πρόβουλοι*, but where the Rout rules, *Βουλῇ*. But when *Clisthenes*, who by *Plutarch* is termed ὁ κατασκευάσας τὴν πολιτείαν, had augmented the number of the Tribes from foure to tenne, eighty six yeares after *Solon's* Lawes were received, he made the number five hundred, taking fifty of every Tribe, which doubled ten times make up the summe. This Councell by *Aristotle* is described ἡ μάρις αὐτῶν. The *Mistresse of all the rest*, and I am not of opinion that ἡ αἴσα Βουλῇ in <sup>b</sup> *Plutarch*, is to be understood of the *Areopagus*, as if that were about the Senate, but as instituted <sup>c</sup> first by *Solon*, and so related by the Author. And yet I know <sup>e</sup> one writes, *Tam dignitate, fama, quam officio, secundum post Areopagitas locum obtinere*. To this Councell none was chosen under thirty yeares of age, which time is stiled *Βεβαυτηρία* by <sup>d</sup> *Libanius*. And doubtlesse <sup>e</sup> *Plutarch* justifies it, speaking that *Demosthenes* wrote his Orations against *Androtio*, *Timocrates*, *Aristocrates*, ἔπειδ' ἡ πολιτεία περὶ σελήν ἔσθ' ὅτε, when he had not attained to the managing of state businesse, because he wanted two or three of thirty yeares. Agreeing to this is <sup>f</sup> *Juvenis*, who saies that *Solon* admitted none very young, though very wise to Magistracie or Councell. Nay the <sup>g</sup> *Scholiast* of *Aristophanes* tells us, that green heads were not permitted to speak publickly. The Law prohibiting any to attempt it under forty, or as some some say (which is truest) thirty, on these words:

Καὶ ὅτε παρ' ἐν τῷ ἔτ' ἡλικίᾳ, καὶ ἐξελὼ πῶς μοι τεκνῶν.

Which to be otherwise understood by some, is not hidden from me. They were called likewise *ἡλιασται*, as well as *Παι- τικῶσι*, and their Tribunall *ἡλικία*, from the word ἡλικία, <sup>b</sup> *Ulp. in De- mol. p. 445.*

O

which

<sup>a</sup> Polit. l. 6. c. 3.

<sup>b</sup> In Solene P. 63.

<sup>c</sup> Poffardus.

<sup>d</sup> false, for Pau- sanias calls it μέγιστον. in Att. p. 27. L. 15.

<sup>e</sup> In Arg. orat. con. Androt, Vita decem. Rhet. p. 378.

<sup>f</sup> Stobæus serm. 112.

<sup>g</sup> In Nub. p. 157.

which signifies to throng together, because the people were frequent there. But the more probable reason is, *ἐν τῷ ὄρει* *ἔστι τὸ πύργον καὶ τὸ ἡλαῖον ἐκεῖ ἔνθεν περὶ εὐχόμεναι*, because the place was open and exposed to the Sunne. And in respect of this *Aristophanes* makes that cold conceit branded by *Didymus*, *Εἴληκα τ' ὄρεον, ἡλιασσεῖ με εἰς ἡλαῖον*, *In the morning thou shalt ἡλιεῖν in the sun shine.* At their admission they had this oath given them. *Ἐπιτεύου κατὰ τὰ νόμους, ὅτι. I will give sentence according to the Lawes, and decrees of the people of Athens, and Councell of five hundred; I will not consent to bee a Tyrant, or bring in an Oligarchie: Neither shall my approbation be to any that will dissolve the Democracie of Athens by speech or decree. I will not cut off private use, or suffer a division of the Athenian lands or houses. I will not bring backe exilde men, or those that are condemned. I will not thrust out of the citie any innocent against the Lawe and Statutes of the Athenians and Senate of five hundred: neither by my selfe or suffer any other. I will not create a Magistrate, who hath not given an account of his former office, whether of the nine Archons, or agents for the holy things, or they, who at the same day are chosen with the nine Archons by lot, Ambassadors and assistants. Neither shall the same man beare the same office twice, or twice in one yeare. I will not take gifts for judgement, neither my selfe or other for me, or others with my privacy, by fraud or deceit. I am not younger then thirty. I will heare both parties, the accuser and defendant alike. I will passe judgement aright on the thing prosecuted, I sweare by Jupiter, Neptune, Ceres.* \* There is also another oath which they took; some clauses whereof, we have left in record. *To ratifie the Lawes of Solon. Plutarch in Solone, pag. 62. To give counsell for the best of the people. To advise according to the Lawes. I will not binde any Athenian who shall give three sureties of the same revenues, unlesse for treason, or bee conspire the subversion of the state popular, or buy custome, or be engaged, or gather publique money and not pay it. I will sit in that order which lot shall direct me to. I will not permit any unlesse banished*

a Ulp. loc. la-  
dato. vide &  
Aristoph. Sc.  
p. 436.  
b Pag 486.

c Dem. Orat.  
cont. Tim.

\* If I trans-  
gresse any of  
these, let mee  
and my house  
perish, but if I  
faithfully  
keep them ac-  
cording to my  
oath, let us bee  
happy and  
prosperous.  
Dem. p. 470.



nished, to be accused or imprisoned for what is past. This last was made after the driving out of the 30 Tyrants, when <sup>a</sup> *Thra-*  
*sybulus* gave them to oath *μη μνησικαχῆσαι*, not to remember  
ancient wrongs, which they call *ἀμνηστία*. The authority of  
this Council was great, for it handled causes of war, tributes,  
making of Lawes, civill businesses and events, affairs of con-  
federates, collections of money, performance of sacred rites,  
accounts of offices discharged, appointing keepers for priso-  
ners, and *ἀναιμία* of Orphans, as *Xenophon*. Resembling our  
Court of Parliament in *England*, by whose consent all Laws  
are abrogated, new made, right & possessions of private men  
changed, formes of Religion established, Subsidies, Tailles,  
Taxes, and impositions appointed, weights and measures al-  
tered, &c. As not unlike also the *Venetian Gran Consiglio*, or  
Senate, of which the *Contareni*. <sup>d</sup> *Tutta la cura del governo*  
*della Republica appartiene al Senato, &c.* The whole maner of  
the Commonwealths government belongeth to the Senate.  
That which the Senate determineth is held for ratified and  
inviolable. By their authority and rule is peace confirmed &  
war denounced. The whole rents and receipts of the Com-  
monwealth at their appointment collected and gathered in,  
and likewise laid out againe and defrayed, &c. In a word, I  
may say of these five hundred, as <sup>e</sup> *Budæus* of the Parliament  
of *France*: *Amplissimam eam curiam causarumq; omne genus*  
*disceptatricem justam ac legitimam esse*, that that Court is most  
ample, and justly and equally decided all sorts of contro-  
versies whatsoever. <sup>f</sup> To their charge was committed the  
making of new ships, for which at the yeares end they were  
to be rewarded by the people. To this alludeth *Aristophanes*.  
*Πομπὴ τὸ ξύλον, Εὐδοτεῖν αἱ τεύξεις κήρυ. Επ. Μὲν Ἡλιαστῆς.*  
<sup>h</sup> Without their consent could the people doe nought, as in-  
deed they made not any thing *sanctum* against the peoples  
wills. Hence in <sup>i</sup> *Demosthenes*, *ἡ βαλὺ πρὸς αὐτὸ τὸ δῆμον κρείν*  
In testimony of their preheminance are they termed  
<sup>k</sup> *Κρείοντες ἦσαν.* and <sup>l</sup> *οἱ ἀπὸ κρείον.* The Lords of sentence. In

<sup>a</sup> Vide *Xenoi*  
in *Ελλω*.  
<sup>1</sup> Cic. *im. Phil.*  
<sup>1</sup> Velleium  
*Paterculum. l.*  
<sup>2</sup> p. 84. *Ar. It.*  
<sup>3</sup> *Sch. in πλ.*  
<sup>4</sup> *Æschin. cont.*  
<sup>5</sup> *Ctesiph.*  
<sup>6</sup> *Athen. Rep.*  
<sup>7</sup> p. 407.  
<sup>8</sup> See *Sir Th.*  
<sup>9</sup> *Smith* in the  
Common-  
wealth of *En-*  
gland.  
<sup>d</sup> As *Eranchi-*  
*rio Anditimi*  
hath transla-  
ted it. lib. 3.  
fol. 3. B.

<sup>e</sup> In *Pandeet.*  
*P. 10. p. 298.*

<sup>f</sup> *Dem. p. 386.*

<sup>g</sup> *Avib p. 546.*

<sup>h</sup> *Sch. Arist. p.*  
*93.*

<sup>i</sup> *Pag. 234.*

<sup>k</sup> *Demosth.*

<sup>l</sup> *ἡ δὲ Αλλο.*

<sup>1</sup> *Idem κει-*

<sup>2</sup> *τὰ Μειδν.*

time of warre they would send Commissions to their Cap-  
taines, as they thought requisite. <sup>a</sup>Such as in the battaile be-  
tween the *Lacedemonians* and their country-men in *Tana-*  
*gra*, where fearing lest *Cimon* banished by *Ostracisme* should  
betray them to the *Laconians*, they sent to the Commanders  
not to entertaine him in the Armie. This honour was not  
during terme of life, but every yeare changed. *Apostolius*.

ἡ μὲν οὖν περτεχοσίαν καὶ ἕκαστον ἐνιαυτὸν κληρονομίᾳ Βυλδων.  
Which *Anonymus* in *Arg. Orat. contra Androt.* expresses by  
καὶ ἐνιαυτὸν διετέλλο. The manner of choosing them is this.

<sup>b</sup> The chiefe of every Tribe, on an appointed day before the  
beginning of the month *Hecatonbaon*, brought the names  
of all their Tribe that were capable of this dignity, and cast  
them written into a vessell, and into another they put an  
hundred white beans and all the rest black; then drawing  
out a name, and then a beane, to whose chance the white  
beane fell to be extracted with his name, was designed Se-  
nator. This they did when they had but foure Tribes, and so  
foure hundred Senatours. But when they had ten Tribes,  
there could be but fifty white beans, to the making up of  
the tenth part of five hundred. This differs not from the ele-  
ction observed by the *Venetians* upon the fourth day of De-  
cember, when the names of all the young men that have not  
by lot obtained the right of citizens, not passed twenty five  
yeares old, are put into a pot, and carried unto the Prince, &  
there the same set before the Councillors, with which there  
is another pot, wherein are round bals equall with the num-  
ber of the names written in the first, every one having his  
marks, the fift part of these bals is guilded with gold, the rest  
with silver. The Prince taketh out of the first pot the ball,  
which if it be of the golden sort, the young man whose name  
is drawn, is presently admitted to publique authority, they  
to whom the silver chance, lose it for that time, expecting it  
the ensuing year, unlesse in the mean space they accomplish  
twenty five, at which age all the young Noble men partake  
of

<sup>a</sup> Plat. in Ci-  
mon, p 356.  
l. 50.

<sup>b</sup> Verbo Em-  
mius in De-  
script. Reip.  
Athen.

<sup>c</sup> Contaren.  
l. 1, fol. 116.

of the Cities liberties. So every year the fifth part of the yōn-  
 kers is chosen to give voice with the other Citizens. The use  
 in choosing I deem the same, & shall untill I find authentick  
 writers contradict it. But the number, as augmented by *Clis-  
 thenes* according to their tribes, so by his successors. For when  
 they added two, the number was increased 100, by reason of  
 the Tribes *Antigonis* and *Demetrias*, after named *Astalis* and  
*Ptolemais* in honour to the Kings of that name which were  
 benefactors to the State; <sup>a</sup> ὅθεν καὶ πῶς βεβηκυῖ πεντακοσίαν ἔσαν, <sup>a</sup> *Suphrinus*  
<sup>b</sup> ἑξακοσίων ἐπέμισαν. <sup>b</sup> Out of these were their Judges chosen,  
 but such as were about threescore yeares old. For although  
 juniors were admitted into this company, yet none judged  
 under that age. <sup>c</sup> εἰσέρχοντο μὲν εἰς πῶς ἑκκλησίαν, ἐκ ἑδὲκαζον ᾗ.  
 To these was any businesse referred, of which the Senate and  
 people were in suspense what to determine. <sup>c</sup> *Aristoph.* <sup>d</sup> *In V. G. p. 471*  
 Εἰπὼν δ' ἡ Βουλὴ καὶ ὡς δὴ μὲν ὅταν κείναι μέγα πρᾶγμα, <sup>d</sup> *Προφήτῃ Εὐφρο-  
 νίῃ τὸν ἀδυνάτου τοῖσι δικασταῖς ὡς ἀδύνατον.* When the Councell  
 and people are in doubt how to judge a great matter, They  
 decree to deliver over the guilty to the Judges. And no mar-  
 vell. For the office of a Judge is κρείον κείναι, prerogative in  
 sentence, saies <sup>d</sup> *Aristotle*, that is, to state those Questions  
 which the Law hath not decided. The order of their giving  
 sentence before the third year of the ninety second Olym-  
 piad I know not. Afterwards they sate by turne in their  
 own Tribes every one as his lot fell. For there being former-  
 ly ten Tribes in *Athens*, they chose out of each five men, and  
 to which one of them the chance happened, he sate Judge. I  
 cannot say that the manner of election was like that of the  
<sup>e</sup> *Syracusans* concerning the Priest of *Jupiter*, who taking the  
 names of so many as were nominated, and casting them into  
 a pot, created him, whose name should first be drawn of that  
 sacred function. But of our owne must I speake. <sup>f</sup> When then  
 they were appointed, they met, every of them bringing with  
 him a Table and a wand on which was written a letter that  
 did betoken some Judicatory, (for there being ten Tribunals

<sup>a</sup> *Suphrinus*  
<sup>b</sup> *Arist. Schol.*  
 p. 37.

<sup>c</sup> *In V. G. p.*  
 471

<sup>d</sup> *Pol. l. 3. c. 13.*  
<sup>e</sup> *Cic. in Ver-*  
<sup>f</sup> *Aristophan,*  
 πλ. p. 30.



every one of them was noted with a red letter, A, B, Γ, Δ, Ε & c. to K, over the dore) time calling them to sit, they drew lots, and he to whom A. was taken out, sat in the Court noted with A. and B with B, and so to K. This done, they shewed their lot to the *Prætor* of the Judicatorie, who gave them their Wand & Table. This they did, lest any should rashly attempt to sit, and pervert Justice. I know not whether I may better call that rod of authority a wand or staff: because that <sup>a</sup> *Βαν-πελα κ' ῥῆμα κ' τειβόνιον ὃ τειώβολον*, was as a proverb used in division of the Judges. <sup>b</sup> This staffe at the daies end they brought to the *Prytanes*, who gave them their wages; But the <sup>c</sup> *Scholast* teaches us otherwaies, saying that the *Demagōgi* paid them, it being manifest out of *Cleon's* words the Oratour, *ὦ χέροντες Ηλιασσί, φερόμεν τειωβόλῃ, οὗς ἐγὼ βέβαια-- Judges which I feed.* Their pay was not alwaies the same, <sup>d</sup> *ἐχ' ἰσάτο*, <sup>d</sup> saies the Interpreter of *Aristophanes*. First they had *obolunt*, which *Calistratus*, surnamed *Parnytes* was author of. Hence the proverb <sup>e</sup> *Ὀβολὸν ὄρε Παρνύτης*. Afterwards it was augmented by *Callicrates*, and from him grew the word *ἑξὰς τὰ κτηνικάτεις*, it may be for a pretty summe of money. Nay it changed, for now I read of *Ὀβολὸς Ηλιαστικός* one, and anon *τριώβολον* three, a <sup>g</sup> *Drachme* to two. And therefore may wee conclude that it was sometime more, sometimes lesse. Thus having spoken a little of their Judges, I proceed to their cases of Law, in which I shall adde.

When any had received wrong in *Athens*, it was their custome to make their cases known to a Magistrate, whose office it was to report to the Judicatory. And this they did by a Table in which was written, <sup>h</sup> *Κατηγορῶ τῷδε καὶ προδικῆμαι τῷ πινδᾷ τῷ δᾷνθ' ἐς τὸ δικαστήριον.* I accuse H. B. and cite him to the Court by W. N. not unlike the *Romans* proceeding, who brought the name of the delinquent to the Magistrate before the accusation; to which *Plautus* alludes. *Ibo ego ad tres viros vestraque ibi nomina Faxo erunt.* when this note was given up, the Magistrate asked the Plaintiffe, whether he had witnesses

<sup>a</sup> Suidas pro-  
verb.

<sup>b</sup> Sch. Aristop.  
πλ. 30.

<sup>c</sup> In Equites.  
pag. 301.

<sup>d</sup> In Nubes  
pag. 174.

<sup>e</sup> Appendix  
Vaticana.

<sup>f</sup> Zenobius.

<sup>g</sup> Sch. Aristop.  
pag. 487.

<sup>h</sup> Ulp in Dem.  
p. 343.

<sup>i</sup> Afinaria  
Act. 1. p. 54

witnesſes and would proſecute the matter, who anſwering that he intended it, had thereupon authority to ſummon the Defendant to his appearance, and this he did either by himſelfe, or other, called therefore κλητῆρ, <sup>a</sup> for κλητῆς is ἢ ἐν ᾧ δι- a Sch. Ariſt. 190.  
 κηταις παγωγῇ, a bringing into ſuit. καλῶν ᾧ δ' ἐς δικασίαν. The word ſignifies a witneſſe alſo. For when they warned any to the Tribunal, they bad any that ſtood by to teſtifie that they had admoniſhed them. <sup>b</sup> Κλητῆρες ὅτι καλῶντες ἐς τὸ δικασίαν b Sch. Ariſt. p.442.  
 πάντας σημαίνει ὃ ἢ λέξις καὶ ἡ μάστιξ. You may uſe κλητῆρ for an Apparator, Sergeant, Bailiffe, or the like. Sometimes they would run ſtreight to the Court, as it were headlong, in <sup>c</sup> Demosthenes his phraſe, ſometimes the Suiter would forthwith draw the Defendant, if he were loath to come, as you may ſee out of <sup>c</sup> Aristophanes, καὶ θ' ἔλκον αὐτόν. But if <sup>c</sup> ὅτι καὶ αὐτὸς εἰς τὸ δικασίαν βαδίζειν. p.596. n. 17.  
 the party could put in two ἀξιώχειας, ſufficient baile, he was diſmiſſed. Hence in the <sup>d</sup> Comœdian. ἂν ἐγγυητὴς σικατα- d In Velpis pag 487.  
 σῆσω δὲ ἀξιώχειας I will procure thee a couple of able ſureties. Sometimes they would appoint a day of appearance, that might be a weeke or more, after the vocationem in jus, at which time if the Defendant were not perſonally at the Judgement ſeat, he came within compaſſe of Ερήμης a Writ of <sup>e</sup> Ariſt. Con- cio. p.755.  
 Eremodicium, reſuſall to come in and anſwer. Which was avoided by ſuing for a μὴ ἔσαι in tenne daies after. For when the party to defend was abſent, hee was condemned indiſtā cauſā, ſo <sup>f</sup> Budæus expounds ἐξ ἐρήμης καταδικαζόμεναι, by this f In Prioris & Poſt. No. ad Pand. g Ulp. in Dem. p 343.  
 therefore the caſe was renewed, and ſtood as at firſt, the ſentence that before paſt, being made of no force; and for this was it termed μὴ ἔσαι, <sup>ε</sup> ὅπ' πρότερον δοκῶσα ἔδει καὶ κεκυρῶσθαι, ὅτε-  
 ρον εἰς τὸ μὴ ἔδει πείσαστο, because in the beginning it ſeemed to carry ſome power, but at laſt was nothing. The buſineſſe then made a new, the party that was caſt by an ἐρήμην, after that he had obtained a μὴ ἔσαι, was <sup>h</sup> within two Moneths to ſet the b Pollux. l. 8. p.390.  
 Law on foot, which they terme ἀνπλαχεῖν δίκην, or elſe the ſentence given before was ratified. Whoſoever ſhould offer to call any man to the Court, unleſſe upon good grounds, was liable

<sup>a</sup> You have a forme of this in Demosth. p.628.  
<sup>b</sup> Arist.Nub. p.154.v.Sch.  
<sup>c</sup> Demost.p. 716.n.7.

<sup>d</sup> Arist. Schol. p.170.

<sup>e</sup> Unum contra Stephan.  $\psi\delta\delta, \alpha.$   
 p.622. aliud p.624.629.  
<sup>f</sup> Sch.Arist. Vesp.505.  
<sup>g</sup> In Vesp.p. 467.505.  
<sup>b</sup> In Vesp.p. 504.  
<sup>i</sup> Sch.Arist. 239.  
<sup>k</sup> Idem.p.195.  
<sup>l</sup> Demosth. 622.n.33.  
 629.n.80.  
 640.n.22.  
 655.n.65.  
 665.n.66.  
<sup>m</sup> Charact.  $\phi\epsilon\iota\ \acute{\alpha}\nu\theta\epsilon\iota.$   
 p.21.

liable to  $\psi\delta\delta\kappa\lambda\eta\tau\iota\alpha\varsigma\ \delta\iota\kappa\eta$ , a writ of molestation for a false cause. Having thus far proceeded, the Impleader gave in a Libell, which held contents of his action, and the summe of the defendants answer. This the *Greeks* call <sup>a</sup>  $\text{Αντιγραφῶν}$ , *Antigraphen*. Though I know also that all cases in law were termed <sup>b</sup>  $\text{πρῶτα, κἀντιγραφαί}$ . They tooke this course because the Defendant might know what to answer. And because it was ordinary in *Athens* for knaves to accuse out of envy, which is,  $\text{συκοφαντία}$ , they made a Law, that whosoever accused and had not the fifth part of the voices should be fined a thousand Drachmes. And he that could not prove his objections was also punished in the purse a certain summe; <sup>d</sup> which if he paid not at the constituted time, was fourfold; And if his ability reached not so far, he suffered imprisonment. At the presenting of the *Antigraphē*, testimonies were also delivered, (formes of which you shall often meet with in <sup>c</sup> *Demosthenes*) & a copy of an oath, which the Suiter gave, in these words <sup>f</sup>  $\text{Ταλὴθὴ καταγρησέιν}$ , that he would justly accuse.  $\text{Ταλὴθὴ ἀπολογήσασθαι}$ , that he would according to truth make his Apologie; and this they name <sup>e</sup>  $\text{ἀντωμοσίαν}$ . These writings were cast into a certain coffer, forth comming as occasion should require; all which <sup>b</sup> *Aristophanes* in one verse comprehends,  $\text{ἀντωμοσίας καὶ προσκλήσεις καὶ ὕμνους σωμακοίων}$ . They joyned or put together oaths, citations, & testimonies. I so interpret it against the Scholiasts minde, who will have,  $\text{προσκλησεις}$  to be exhortations given to the Plantiffe and Defendant to come to composition. But I know that <sup>i</sup>  $\text{προκαλέειν}$  is  $\text{καταγρηρεῖν, εἰς δικασίον ἐλκεῖν}$ , to accuse, *in jus rapere*, <sup>k</sup> and  $\text{προεκλήσεις, διὰ μύτρων ἀποχρήσεις}$ . The chest or coffer was called  $\text{ἐχίνος}$ , and of this are the words of the Greeke Oratours to be understood <sup>l</sup>  $\text{εἰς ἐχίνον ἐβάλλειν}$  <sup>m</sup> *Theophrastus* of a mad man that would entangle himselfe in any thing,  $\text{ἐχὼν ἐχίνον ἐν τῷ σκολιπῶ, καὶ ὀρθῶς γεγραμμένων ἐν ταῖς χερσίν}$ . Having an *Echinus* in his lap, and a bundle of libells in his hands. *Pollux* makes a different exposition of his oath from that



that which other Grammaticians doe, confounding, is is most probable, the *ᾠρομοσία* and *ἀπομοσία* with *ὑπομοσία*. For *ᾠρομοσία* is that first oath which the Plaintiff gave to prosecute, the party prosecuted to answer, which on the defendants side was called *ἀπομοσία*, and generally on both. *Διαιμοσία* was a Sacrament taken by both, the Impleader that he did *ᾠρομύσσειν* follow the delinquent in law; the defendant *ἀπομύσσειν* stand lissy to it that he did not trespass. And yet *Ulpian* makes both these one. After this were they that sued one another admitted to the Judicatory, it being first demanded of the Suiter whether he would *persequi*, follow the suit, and had sufficient witness for evidence; in causes capitall it was asked if there were need of any, who could not then be present. This interrogation was termed *Ἀρκησιον*. If then any thing was deficient the Judgement was prorogued by an *ᾠρομοσία*, or oath, which the Plantiffe took, that for the present he could not perform it, but certainly would. Perhaps for that time pretending sicknesse, death of friends, or some urgent necessity, on which their fortunes might depend. When then all things were ready, and at hand, they proceeded towards the Tribunal, the Judges first swearing that they would give sentence according to the Laws, and in those things concerning which there were no Laws, according to conscience and equity (which the Greeks call *νόμον δικαιοσύνης*) and of those things only concerning which they did debate. This oath seems to have been taken at the Altar, from whence they brought their little stones (of these by and by) with which they gave sentence. *Plutarch*. *Ἰστορίαν ἀπὸ βασιλέως ἑβραίου*. The oath is called *ἀπομοσιονία*. Then went the Judges to their seats, neatly spread with mats, in Greeke, *κλίστρα*, and *κλίστρα*, and all others being warned by the *Prætor*, to goe without the Bars, in this forme *μετὰ τὴν ἐξουσίαν* they sat down. For we must know that the Athenian Judicatories were environed in, as the Romans with lettice I suppose, by them

a Pollux, lib.  
8. p. 407.  
b Pollux loco  
citato.  
c This is  
ἀφελονία.  
Pollux.  
d Pag. 485.  
e Plutarch in  
vita.

called a *Ἀγγελία*, *Cancellata*, by the Greekes *κυκλίστις*, although *κυκλίστις* more properly signifie the door of the δικαστείου, before which was a rope of fifty feet length drawn, and publique servants set, that none might enter, but who had business. The partition I think was but weak, and therefore by *Demosthenes* called αἰθέρις κυκλίστις. Within which none was permitted to come but the Judges. And therefore when *Demosthenes* did long to heare *Callistratus* plead concerning *Oropus*, he over entreated his *Padagogue* that hee would bring him, where he might have the happinesse to be an auditor. The *Padagogue* therefore acquainted with the publique officers that opened the doores, τὰς αἰθέριοντας τὰ δικαστήρια δημοσίῳ, procured him a place where he might heare and not be seen, ἐν ἧ καὶ δὴ μὲν αἰθρῶς ἀκρόσῃ. When then the Judges had gone within the bars, lest any should be wanting the *Præco* cried εἰς τὴν δὴ ἐστὶν ἡ δικάσιμος, εἰσέλθω, if any Iudge be without the doore of the place of Iudgement, let him enter. & Because if any came after the case began to be pleaded, he could not have admission. Being then seated the Crier read the Inditement, ἐγκλημα, (a copy of some part of which you have in *Demosthenes*: ΕΒΛΑΨΕ ΝΙΚΟΒΟΥΛΟΣ ΕΠΙΒΟΥΛΕΥΣΑΣ ΕΜΟΙ &c.) in which according to the custome of the old Egyptians, were given up to the court in writing all the reasons of accusation, the wrong received and the manner of it, with an estimation of the damage; The severall heads of which the Iudges wrote downe, lest the Impleader and defendant should swerve from what they had in hand. Then stood up the Suiter in a pulpit on the left hand of the tribunall, and spake an accusatory oration, made for the most part by some of the Attick Oratours; which use brought in by \* *Antiphon the Rhamnusian*, \* *Clemens of Alexandria* calls δικαστικὴ λόγος εἰς ἐκδοσὶν ᾗ δέχων, Cicero, scribere alia causas; quibus in judiciis uterentur, such as *Lysias* is reported to have done for *Socrates*: Which lest it should exceed in length, was limited to a certaine time, by a vessell,

f Aristoph.  
pag. 494.  
g Aristoph.  
Sch. Ibid.

h *Pæg's* Παρ-  
ταίνετο. p.  
567.  
i Boemus De  
Costumi del  
Is Gentil lib. i.  
cap. 5.

\* Arist. Rhet.  
l. 1. c. 33.  
† Stromat. 1.  
pag. 226.  
‡ In Bruto.

in the bottome of which was a small hole for water to run,  
as sand doth in our houre-glasses, thence called κλέψυδρα, in-  
to which was poured an equall measure of water; and lest  
there should be deceit, there was an officer made for that  
purpose, named ἑφύδριος. ἀρχοῦ δὲ τῶν πῶ ἰσότητος καὶ κλέψυδρος Pollux l. 8.  
filling alike for the Impleader and answerer. When  
therefore the glasse was runne, it was not lawfull for them  
to speak farther, nay for scantnesse of time they were com-  
pelled to passe by many things; and for that reason were they  
chary of their water, bidding that it should be stopped at the  
reciting of Lawes, or the like, which Demosthenes intimates  
in τὸ δὲ ἐπιλαβεῖν τὸ ὕδωρ as φησι ἐπιλαμβάνειν is to stop the nose  
in Aristophanes. Apuleius. At tu interea dum legit, a- d In Plura,  
quam sustine. Pancirollus. Ne si aqua interim effluxisset, am- e Appogit,  
plius sibi dicendi prebita fores facultas, lest hee might not  
have leave to speak any mote; if the water were spent. If any  
would give way to another to speak while his glasse was run-  
ning, he might; which Demost. testifies, ἐν τῷ ἐμῷ ὕδατι λαλῶ.  
But if he would not permit it, he had the *Præco* cast it forth  
ἐξέρεα τὸ ὕδωρ Ulpian. Τυτέσιν ἐνθάδε. From which kind of f Demosth.  
pleading it grew into a proverbe, βρεῖς τὰ κλέψυδρα, Cicero, ὑπὲρ ποσὺ  
ad Clesydram, to speake by the houre or an allotted time. His  
speech being ended, he sat downe. The defendant then  
fitting all that while over against him, untill he had finished,  
after addressed himselfe to his answer, which he made from  
the right hand of the Iudicatorie; where he had a pulpit, and  
station; for this reason saies Aristotle, because they would  
make both parties equall: For the Suiter having the better  
part, they gave the upper hand to the defendant. Or because  
οἱ ἐδίσκrites or defendants, were for the most part in custody;  
If therefore the guard stood on the right hand, the defendant  
stood there also. Thence then he pleaded for himselfe; in  
which plea he was only to wipe out those accusations which  
his adversary laid against him, μόνον κατηγορηθέντων λύσειν ποιεῖν, Ulpian in  
And in that had the plaintiffe a prerogative. For he might Demosth. p.  
P 2 object 252.



a Loco lau-  
dato.

b Demosth.

219.

c Clemens  
Aland. These  
had certaine  
pettifoggers-  
under them,  
that admini-  
stred the  
Lwes and  
formes of a-  
ction. Cicero  
apud Græcos  
infimi homi-  
nes mercedu-  
lâ adducti mi-  
nistros se  
præbent in  
judiciis Ora-  
toribus iis qui  
apud illos  
ἀεγυμῆτοι  
vocantur.  
d Cornelian.  
Vide at Atti-  
cum. l. 1. c. 13.  
e Vide Læc-  
tium in vita  
Iulæ.

object what he would; nay and as <sup>a</sup> Aristotle, forecaſt all be-  
fore he commenced his ſuit, and feigne to himſelfe what he  
pleaſed; The defendant, perhaps innocent, was at that inſtant  
to cleare himſelfe, <sup>b</sup> either by witneſſe, or probabilities; of  
all doubts, whatſoever the Plainiffe could caſt in. Sometimes  
the Plainiffe and Defendant would deſire Advocates of the  
Judges, *Συνήγοροι*, hence *ἐπὶ τῶν δὲ Συνηγορῶν*, to plead for a  
fee. In the time of their pleading, witneſſes were called,  
who came in, and gave their teſtimonies, and after they had  
uttered what they had to ſay, they went to the Altar (as it  
ſeems to me, either in, or very nigh the Judicatorie) and  
ſwore. <sup>d</sup> Cicero. *Athenis aiunt cum quidam apud eos ſanctè*  
*graviterq; iuſiſſet, & teſtimonium dixiſſet publicè; &, ut mos*  
*Græcorum eſt, jurandi cauſa ad aras accederet; una voce omnes*  
*Judices, ne iſ juraret, reclamaſſe.* They report that in Athens  
when a certain man (*Xenocrates*) who had lived godly and  
gravely among them, had given witneſſe, and as the faſhion  
of the Greeks is, approached to the Altar to take oath, all  
the Judges with one voice cried that he ſhould not. (They  
would not, it ſeems, have beliefe rather be bound with re-  
ligion then truth.) Fit to this is the anſwer of *Pericles* to a  
friend of his deſiring him *μαρτυρεῖν ἑαυτῶς*, to teſtifie a lye,  
which he waſt to avouch with an oath, I am your friend,  
quoth he, to the Altar, that is, as farre as conſcience, religi-  
on and honeſty ſhall permit; hence *ἀρχὴ βαμὲ εἰλῶν ἕως*  
*ad aras*, grew, I ſuppoſe to be a proverb. *Plut. Apophib. p.*  
*112.* Whether in this ceremony they touched the Altar, I  
cannot juſtly ſay; in delivering their teſtimonies they were  
wont to touch the tips of the eare (for reaſon to me un-  
known;) called *λοβοὶ* from *λαμβάνειν*, *etymologicoi*; (But I  
rather may ſuppoſe to be a Roman faſhion, where the  
Plainiffe was wont to pluck his witneſſe by the ear, for re-  
membrance ſake. *Horace lib. 1. Sat. 9. Licet atteſtari? ego vè-*  
*ro oppono auriculam.* To which *Virgil* looked, ſaying *Cyn-*  
*thius aurem vellit & admonuit. Eclog. 6.*) and at the dūd  
thereof

thereof with all destruction to themselves and house if they dealt falsely. Which if they did, they were subject to a writ  $\psi\delta\delta\iota\kappa\tau\iota\omega\tau\epsilon\iota\omega\upsilon$ , of false witness, and he that suborned them  $\kappa\alpha\kappa\omicron\tau\epsilon\gamma\iota\omega\upsilon$ . Sometimes the witness was not present at the doing of the wrong, but took it from others by hear-say, which the Greek Lawyers terme,  $\alpha\kappa\omicron\eta$ , as  $\alpha\kappa\omicron\eta\ \tau\epsilon\lambda\epsilon\delta\omicron\ \pi\acute{o}\tau\omicron\upsilon$ , <sup>a De rosta.</sup> when they take from those that are dead, which went for <sup>pp 619. 634</sup>

current, and was allowable: But to bring a testimony from the Mouth of one that was alive, and within the territories of Athens, it would not passe. As neither theirs who were discarded the liberties of the City,  $\alpha\pi\mu\omicron\iota$ , or servants, or any man in his owne cause. The manner of witness was twofold, either by personall appearance and testifying  $\omega\tau\omicron\pi\epsilon\sigma\omega\pi\omega\varsigma$ , and then he was called  $\mu\acute{\alpha}\rho\tau\iota\varsigma$ , in no case lyable to the Law,  $\chi\omicron\iota\delta\iota\kappa\tau\omicron$ ; or else by writing, by which he offered himselfe to his questions or attachments in Law, against whom he witnessed; if he were not true; and this is  $\mu\acute{\alpha}\rho\tau\iota\epsilon\iota\alpha$ . Both parties being heard, and the altercation ceased, the *Prætor* cried, *To whom E.N. hath seemed to violate right* (so they interpret  $\alpha\delta\iota\kappa\epsilon\iota\upsilon$ , *ius violare*) *let him cast in the black stone, or hollow, to whom he seemeth not, the whole or white.* For we must know that anciently the Greeks gaveth their sentences with black and white pebles, called  $\chi\omicron\iota\epsilon\iota\upsilon\alpha$  (which the French semblably terme *Procellaines*,  $\chi\epsilon\iota\upsilon\alpha$  *porcus*) <sup>d Ovid.</sup>

*Mos erat antiquis, niveis atrisq; Lapillis,*

*His damnare reos, illis absolvere culpa.*

The antique fashion was with white stones to absolve, with black to condemne the accused. Pertinent to which is the saying of *Alcibiades*, when he was called out of *Sicilie* to go home and answer for his life, counting it foolish to goe thither, whence he never was like to escape; when one asked  $\epsilon\pi\iota\sigma\tau\epsilon\iota\varsigma\ \tau\eta\ \pi\alpha\tau\epsilon\iota\delta\iota\ \pi\acute{\omega}\ \pi\acute{\rho}\delta\omicron\sigma\epsilon\ \kappa\rho\iota\upsilon$ , Wilt thou not trust thy country which begat thee to be thy Iudge?  $\text{O}\upsilon\delta\epsilon\ \tau\eta\ \mu\omicron\tau\epsilon\iota\delta\iota$ ; <sup>e Ælian. Var.</sup> quoth hee,  $\Delta\epsilon\delta\omicron\iota\kappa\alpha\ \gamma\delta\ \mu\iota\ \alpha\gamma\gamma\omicron\lambda\eta\sigma\alpha\ \eta\ \sigma\phi\alpha\lambda\epsilon\iota\sigma\alpha\ \tau\delta\ \alpha\lambda\eta\theta\epsilon\varsigma$ ,  $\pi\acute{\omega}\ \text{lib.13.c.38,}$

$\mu\epsilon\lambda\lambda\alpha\nu\ \alpha\gamma\ \epsilon\mu\epsilon\lambda\lambda\alpha\nu\ \tau\eta\ \lambda\omicron\kappa\eta\varsigma\ \psi\eta\phi\omicron\upsilon$ . No not her, that brought <sup>Pur. Mor. p.</sup>

me forth. For I feare lest (hee being ignorant, and not conceiving the truth, mistake the black for the white stone. The black made *tristem sententiam*, and was so named; the sad sentence, the white *candidam* or acquitting. They used likewise black and white beans; in respect of which *Pythagoras* is thought to have spoken a riddle, *κυάμους μὴ ἐσθίειν*, not to eat beans, by *Ἀλκibiades* interpreted *μὴ περὶ δίκης τῆς τοῦ δικαστοῦ*. Not to undermine justice with bribes; or that men should get by the perverting of equity. I see no reason, but that I may think he means men ought not to be forward in getting places of Iudgement. For *κυάμους* in *Aristophanes* is by the Scholiast expounded *δικαστῆς* and *κυάμους* *τρώγων* is used for a Judge, which properly signifies an eater of beans. But afterwards they had little pellets of brasse: The bloody ones of them were pierced through, therefore termed, *πτερυπιμβάαι*, the saving were whole; *ἀπτερυπι*. Of these every one took of each other from the Altar, as I have said, <sup>c</sup> where laying their hands upon the *ψήφους*, or balls, they intimated by a transposition of them (as from the black to the white, and from the white to the black againe) that they would not for envy or by-respects, but indifferently and truly judge. When then they were ready to passe sentence <sup>f</sup> the *Præco* carried about the *Κάδον* or *Καδύσκον*, a certaine pitcher (for so *Xenophon* calls it, *ὕδρῖαν*) having on the mouth of it a conveyance like a Tunnell, named *κημὸς*, but the top thereof was covered close, except a little hole for one pellet at a time to be put in; made for avoiding of deceit, I suppose, lest one man might cast in more; and therefore were they to touch the *ψήφους*, only with the forefinger, middle, and thumb. <sup>h</sup> *Aristoph.* *Τὸς τρεῖς λαμβέχων ἥδ' ἀγκυλῶν ἀνίσταθ'.* But we must know that the blacke and white pellets were not promiscuously cast into one pot, but two; <sup>i</sup> The one which freed was made of brasse, called *σείτερον*, whether because they first threw into it their voices, or because it may signifie the better, I know not; The other that condemned, being woden

<sup>a</sup> In Naz.  
Stelit. 17.

<sup>b</sup> Pagina 290.  
<sup>c</sup> Lylistrata.  
p. 870.

<sup>d</sup> Pollux. l. 8.  
pag. 407.  
Ulpian. in  
Dem. p. 470.  
<sup>e</sup> Ulpian in  
Dem. p. 162.

<sup>f</sup> Aristoph.  
485.  
<sup>g</sup> Pag. 263.

<sup>h</sup> Pag. 437.  
vide Scholiast.

<sup>i</sup> Aristoph.  
Vespis. 500.



wodden <sup>ὄπισθ'.</sup> After the Crier had gone round with both because some would keep their bals, and for favour not give their voice against a friend or great person, therefore he cried, <sup>ἡ τίς ἀντίστει;</sup> ἀντίστω, Who hath not cast in his ball? let him rise. So he rose and threw it in. Then they took them out and numbered them; and in matter of lands, mony or the like, whose vessell (for there were as many set as the number of the litigants came to) had most; got the upper hand. At the counting of them a Magistrate stood by with a rod, and laid it over those that were told, lest they should mistake the one from the other, or wittingly doe it. For so were they wont to doe; thence named <sup>ἡ φροκλέω.</sup> Which <sup>ἡ Τενερ</sup> *Tencer* objects to *Menelaus* about *Ajax*, when by his deceit the armour was given to *Ulysses*; and therefore hee calls him <sup>ἡ κλέπτω φροκοιόν.</sup> Sch. <sup>ἡ βλίον κριτῶν</sup> not amisse, <sup>ἡ φροκλέπτω.</sup> *Ajace*. p. 68.  
When the number was knowne, if the white or solid bals, were more, they tooke their tables which they had in their hands, and drew a short line, as a token of absolution; if the black or hollow were more, they drew a longer line, as condemning. Hence <sup>ἡ ἀπιστι πῶν μακρόν.</sup> may be used, for to condemn every body. The thing it selfe they termed <sup>ἡ ἀλοκίζεσθαι</sup> *Aristophanes*. By this the one party being overthrown (as none ever was without the sentence of the Judges) his adversary wrote down what damages hee should pay, which they terme <sup>ἡ ἐπιγεφειν.</sup> <sup>ἡ Πλνταρχ.</sup> *Plntarch*. <sup>ἡ δέκα τάλαντα</sup> *δέκα τάλαντα* <sup>ἡ πέννημα ἐκείνη ἡ δὲ δικῶν ἐπιγεφειν.</sup> *πέννημα ἐκείνη ἡ δὲ δικῶν ἐπιγεφειν*. For it was a use of old for those that went to Law to make agreements: I know not whether by oath, for they did swear by three Gods, <sup>ἡ Ἰκίστιον,</sup> *Ἰκίστιον*, <sup>ἡ Καθάρτιον,</sup> *Καθάρτιον*, <sup>ἡ Εἰλασιπείον,</sup> *Εἰλασιπείον*, and put it into the *Echinus*, that they would stand to such and such conditions, before sentence, that he that was cast should undergoe somewhat; and afterwards <sup>ἡ ἐπιγεφειν,</sup> that is set down what losse of limbs or life; or meanes, &c. For although they did <sup>ἡ ἐνεχυράζεσθαι</sup> give their estates as pledges to answer and meet at the Court; yet it may be that might be lesse or more then the fine. There was

<sup>a</sup> Aristoph. V. l. p. 15.

<sup>b</sup> Schol. Naz. in *σμλ.*  
<sup>c</sup> Sophocles *Ajace*. p. 68.  
<sup>d</sup> Schol. Arist. 438.

<sup>e</sup> Aristoph. Vesp. loco. cit. f Pag. 491.  
<sup>g</sup> Aristoph. p. 472.  
<sup>h</sup> *βίσις ῥη*.  
<sup>i</sup> P. 454.  
<sup>j</sup> Schol. Arist. in *σμλ.* pag. 50.

<sup>k</sup> Schol. Arist. 740.

in causes capitall or other proceeding, like to that in the City of *Venice*; where they gave two sentences. In the first they determined whether they should condemne or free; If in the first he was condemned, the manner of punishment was ordained in the second. But if in the first they found no cause of death, they bad the accused to fine himsele, which *Demophon* intimates by *ἡμεῖς*, and if it were too little the Iudges doubtlesse made it more, as the *Scholiast* of *Aristophanes*, if I forget not: The custome is set downe by *Cicero*, speaking of *Socrates*. *Ergo ille quoq; damnatus est, &c.* And he too was condemned, not only by the first suffrages, but also by those which by the appointment of the Lawes they were to give the second time. For in *Athens* the accused being found guilty, if the offence were not capitall, they weighed and considered the penalty. When the sentence was to be given by the Iudges, they asked the defendant, what hee thought himsele to have deserved to forfeit, &c. (In the *Venetian* Commonwealth this is not observed.) In tryall if there be more for the prisoners liberty, then against him, he is strait acquitted, but if more then halfe be in the pot of condemnation he suffers. *Socrates* at the first had two hundred eighty and one more against him, then on his side; and at the next eighty more were added to the former, so in all he had three hundred threescore and one condemnatory suffrages. But fewer might have done as much. For we read in *Demosthenes* of *Cimon* like to be punished with death, *ὅθεν καὶ ἐπεὶ τρεῖς ἴσους*, if three had not been wanting. And againe, *ἡ δὲ πλειονότης ἴσους διέκρινεν τὸ μὴ δαίνεσθαι τὴν τιμὴν*. Nay one was sufficient, *Demosthenes*: *Μία μόνον ἀρκούντων*. But *Ulpian* on the place, *ὥς τε μὴ ἐξὸν διδόναι πινεῖσθαι*, saies, that hee was lightly punished. If the voices were equal, then was the prisoner loosed; because sometimes he might be accused upon suspicion, or of those things which he did not willingly commit, or perhaps was sued out of envy, and many other reasons given by *Aristotle*: therefore did the Lawgiver leave

a Contaren.  
de Rep. Ven.  
lib.3.

b Apolog.  
Socr. p. 265.

c De Orat. 1.  
fol 61 b.

d Laetius in  
Socr. p. 115.

e Pag. 436.

f Pag. 430.

g Pag. 338.

h Aristoph. p.  
244.

i Probl. 7<sup>um</sup>.  
29.

leave some place for pity and compassion. To which the Judges were often moved. And therefore would they plead the deserts of their ancestors; their own lives formerly well led. <sup>b</sup> Sometimes shewed they their wounds; and brought the venerable gray haire of their parents, but <sup>c</sup> mothers chiefly, to intercede in silence: Sometimes embracing their children in their armes, they held them up in the Judges view; or caused them to <sup>d</sup> come up into the βήμα, or pulpit, & supplicate with teares; which wrought so much upon the Judges, that <sup>e</sup> *Aristophanes* in a scoffe presents one *Προδασκάλου* πάλιν γαυῶν, drowing his sentence in weeping. Then in compunction would the Judges speak to the prisoner, <sup>f</sup> *Κατέβα, κατέβα*, wishing him to go down from the βήμα, a token often of mercy; though now and then it proved otherwise. Nay it was a word of displeasure too, as when *Plato* would have been Advocate for *Socrates*. *Νεώτατος ὦρ, ὡς αὐτοὶ Ἀθωῶνται, ὅς ὅτι τὸ βήμα ἀναβῶντων*, they thundred out, *Καταβῶντων τῷ τῷ κατὰ ἔρη*. Neither may I forget <sup>g</sup> *Amyntas* the brother of *Æschylus* the Tragædian, who, when the people would have stoned his brother for some impiety brought on the stage, held up his elbow and arme without a hand, lost in the fight at *Salamis*: by which spectacle the Judges calling to minde the merits of *Amyntas*, dismissed the Poet. Neither may I omit what <sup>h</sup> *Xenophon* objects to them, that they cared not so much for justice, as regarded what might conduce most to their own profit, and be convenient: <sup>i</sup> And that they condemned innocents, and spared offenders that could speak well. Furthermore another fault of theirs was the prolonging of cases a whole yeare, saies <sup>k</sup> *Xenophon*, and <sup>l</sup> *Aristophanes*. *Ἀλλ' ἐγὼ γὰρ τὰς ὑπερβυκτοντέρας Εἰσαγγελίας, ἀλλ' εἰσαυθις ἀναβελλόμεθα*. Now we doe not handle suits of above three-score yeares, but we are put off unill the next day. *Τὰς ἐν τῷ εἰκοσιν ἢ ἐν ἡρατοῦ*. For wee come to triall within twenty yeares. This *Xenophon* imputes to the multitude of their imployments. As long as the case hung in suspense, the name of

Q

the

<sup>a</sup> Dem. p. 492.<sup>b</sup> Aristid. T. 3.

p. 292.

<sup>c</sup> Dem. p. 493.<sup>d</sup> Aristid. loco

cit. πρὸς ἡ

ἀνὰ βελῶν.

<sup>e</sup> Aristop. pp.

469 499.

<sup>f</sup> Vesp. p. 499.<sup>g</sup> Sch. Ar. 500.<sup>h</sup> Lurt Socr.

p. 115.

<sup>i</sup> Ælian Var.

hist. l. 5. c. 19.

<sup>k</sup> Athen. Rep.

8 τὸ δὲ

αὐτοῖς μέλει

μᾶλλον ἢ τῷ

αὐτοῖς συμ-

φρονέειν. p.

404.

<sup>l</sup> Apol. Socr.

initio.

<sup>m</sup> Athen. Rep.

406.

<sup>n</sup> Εκκλησιαζ.

752-753.

They are tran-

slated foolishi-

ly into latine.

εἰσαυθις

is what the

Proctours in

the Civill law

usually mean

by *in proximo*, in Proxi-

mum.



<sup>a</sup> Budæus in Pand. No. Relig. p. 31.  
<sup>b</sup> Demost. in Mid 347.

<sup>c</sup> Cont. Andro. 388.

<sup>d</sup> Dem p. 406.

the accused was (as among the Romans, whence *Reipenduli*) exposed in a publique table to the view of all men, which they terme *ἐκκλήσις*. *Demosthenes*. ἵνα ἐκκλείοιτο πρὸ τῆς Εἰσουλίας. *Ulpian*. περὶ τῆς ἐκκλήσεως βλῆσιν. You see here the place too, viz. at the Statues of the *Eponymi*. Before a man was convicted, all that they objected to him was but *αἰτία*, by *Demosthenes* termed *ψῆδος λόγος*, a bare report; but after proofe *ἐλεγχος*. ὅταν τις αὐτὸν εἴπῃ τις, καὶ ταλινδὲς ὁμῶς δείξῃ. After judgement past, *ἀδικήματα*. An inditement of sacrilege, theft, murder, treason, is but *αἰτία*; the evidence and conviction makes it *ἐλεγχος*; the sentence, *ἀδικήματα*.

## CAP. III. SECT. II.

### *De Areopago, & ejus appellatione. Areopagitis.*

**O**N the hill, on which the *Acropolis* was built, stood the *Areopagus*, in the old translation of the Acts of the Apostles rendred *Vicus Martius*, by our Englishmen, *Mars his Street*, Falsly. For *πῖγ* beares not that signification, but what <sup>f</sup> *Justin Martyr* interprets, *ὁ ὑψηλὸς πῖγ*, an eminent place. *Εν ᾧ ὄρθον πνιῶν ἐκεῖνο τὸ διαστήριον*. For that Judiciary was on a high rock. Therefore named by <sup>e</sup> *Aeschylus*, & <sup>h</sup> *Euripides*, *Ἀρεῖ πῖγος*, by <sup>i</sup> *Ovid*, *Scopulus Mavortis*, and <sup>k</sup> *Ennius*, *Areopagica petra*: so called, as fond Antiquities would have it, <sup>l</sup> from the judgement of the twelve Gods upon *Mars*, for killing *Halirrhothius* the sonne of *Neptune*. But <sup>m</sup> *Justin Martyr*, because he was there arraigned of advocacy, *νομολογίας ἐκείσε δίκας ἔδωκεν*, But alike true. It pleases mee well to consider the superstition of the Ancients, that consecrated high places to their deities, and erected the statues of their Gods upon hills. As <sup>n</sup> *Parnes*, *Hymettus*, *Anchesmus*, comes from *πῖγ*. Because built neare a well. Peror. <sup>f</sup> In Acts p. 136. <sup>g</sup> *Eumenid.* p. 296. <sup>h</sup> *Elect.* p. 836. <sup>i</sup> *Metamorp.* l. 6. fab. 2. <sup>k</sup> Vide Scalig. in conj. <sup>l</sup> *Demost.* p. 413. <sup>m</sup> *Paul.* p. 26. *Simeon Met.* & *Pachym.* in vit. *Diogen.* *Areopag.* <sup>n</sup> *Loc. citato* <sup>o</sup> *Paul.* *Attic.* p. 31.

whence

whence *Jupiter Parnethius, Hymettius, Ancheſmus*. And as in *Athens*, *Neptune* had a hill Ποσειδώνος πάρος, *Saturne* another, Κρόνου πάρος. *Pan* another, Πανός πάρος. *Mercury* another, Ερμῆος πάρος, so *Mars* his *Areopagus*. <sup>a</sup> *Æschylus* gives it a nomination from the *Amazons*, sacrificing to *Mars* there, when they came and fought against *Theseus*. Or if you will receive the opinion of others, it takes the name from the cases in it handled, of blood wilfully shed: so *Hesychius*, Ἀρεῖος φονηρός. That when <sup>b</sup> *Juvenal* calls it *Curtiam Martis*, you may interpret it, *The Court of murder*, but willingly committed. This is termed by the <sup>c</sup> *Tragedian*, the most uncorrupt, sharp, reverend council, then which nothing is more constant (saies <sup>d</sup> *Tully*, comparing to it the Roman Senate) nothing more severe, as by <sup>e</sup> *Pseudo Dithys Cretensis*, it is stiled *Judicium severissimum per omnem Graciam*. Then which none judged better, more just, or honest, saies <sup>f</sup> *Xenophon*. & *Plutarch* writes that this Court was ordained by *Solon*, and <sup>h</sup> *Cicero* received the like opinion; but that seems to contradict it, which *Plutarch* presently brings, quoted in the thirteenth table, that they who had lost their liberties should be restored again, unless they were condemned by the *Areopagites, Epheta, Prytanes, Basileis*, of murder, slaughter, tyranny, when that Law was enacted. And by and by, <sup>i</sup> *Τίνες γὰρ ἦσαν οἱ πρὸ Σόλωνος*, &c. Who were condemned in *Areopagus* before *Solons* time (if he first instituted the *Areopagites*.) <sup>k</sup> Others are of opinion, that *Solon* added the *Areopagites* to the *Epheta* (Judges so called, because when formerly the *Basileis* made inquisition after murder unwillingly committed, *Draco* made it ἐρέσιμος, that is, translated it to the *Epheta*, their number was but fifty one. And though they judged in five Courts once, yet by little & little they became ridiculous.) <sup>l</sup> *Possardus* saies, he abolished their severity, and substituted the *Areopagites*. But <sup>m</sup> *Urbo Emmsius* more probably, that *Solon* was not the Author of this Senate, but brought it into a better forme, made it more strong and firme; and augmented the power of it. For *Draco* it seemed

<sup>a</sup> Eumenidib.  
p 296.

<sup>b</sup> Satyr. 9. v.  
100.

<sup>c</sup> Æschylus  
pag. 297.  
<sup>d</sup> Ad Atticum.  
l. 1. ep 11.

<sup>e</sup> De bello  
Tro. l. 6. p.  
147.

<sup>f</sup> Apom. p.  
p. 448.

<sup>g</sup> In Solone  
pag 63.  
<sup>h</sup> Offic. l. 1.

<sup>i</sup> Loc. laudato.

<sup>k</sup> Pollux. l. 8.  
p 407.

<sup>l</sup> De Athen.  
Mag p. 446.  
<sup>m</sup> De Rep. A-  
then. p. 20.

a Vide Maxi-  
 mum in Pro-  
 log. ad S. Di-  
 onys. opera &  
 Niceph. lib. 2.  
 in vita Dion.  
 b Pachymer.  
 c Isoc. in Arc-  
 opag. p. 133.  
 d Loco supra  
 laudato.  
 e Arthid. l. 2.  
 f Anonym. in  
 Argu. Oratio.  
 Androia.  
 \* They were  
 of those Ma-  
 gistrates that  
 were chosen  
 by Lōt, as the  
 Archon, The-  
 smothetæ,  
 Basileus, Po-  
 lemarchus, for  
 which cause  
 Peric. s was  
 not of that  
 number be-  
 cause he never  
 attained to  
 these offices.  
 Plut. in Peric.  
 p. 113.  
 g Anonymus  
 loco laudat.  
 h De statu Ita-  
 liæ adversus  
 Machiavel.

lessened the authority of it, deriving it to the *Epheta*; *Solon*  
 restored that authority and made it greater. <sup>a</sup>To this compa-  
 ny none were admitted, but wise, wealthie, and noblemen;  
<sup>b</sup> famous for good life, and innocencie, τὸ ἐπὶ πασι ἀνεπίλητον,  
 whom no man could justly charge of misdemeanour. Nay,  
 men, whose behaviour was intolerable, ἐν τοῖς ἀλλοῖς ἀειζύ-  
 ματιν ἀρεκτιόντες, after they were chosen into the Colledge  
 of the *Areopagites*, abhorring and blushing at their former  
 dispositions, ἀνίστητες τῇ φύσει χεῖρτα, changed their natures, and  
 embraced vertue. The number of them is uncertaine <sup>c</sup> *Nico-*  
*phorus* makes them but nine; as *Maximus* too out of <sup>e</sup> *Phila-*  
*chorns*; *Pachymerius* fifty and one. But what *Maximus* pro-  
 duces after, is somewhat, that they consisted of fifty and one,  
 beside the Nobility most wise and rich, πάλω ἐξ Εὐπατειδῶν καὶ  
 πλείων καὶ εἰς σφόδρα ἐνδοξότατοι. By which words he seemes  
 to aime at the nine *Archontes*, fwho when they had gover-  
 ned one year, and given an account of their offices, and had  
 administred all things justly, were chosen yearly into this so-  
 ciety. For which election anuall, the number was doubtfull.  
 For some might dye in that space, or all live, and in the next  
 yeare be increased. *Volaterran* out of an old inscription in  
*Acropolis*, that they were three hundred; Τρεῖς ΛΑΜΠΡΟΤΑΤΩ  
 &c. To the most famous *Rufius Festus*, Proconsul of Greece &  
*Areopagite*, the council of *Areopagus* consisting of three hun-  
 dred; and the people of *Athens* set up this monument for a te-  
 stimoniall of his good will and benevolence. But that might only  
 happen when this was erected. <sup>g</sup> They continued all their  
 lifetime in their dignity, and were never put out, εἰ μὴ τις με-  
 γάλως ἥϊοντε, unless for some grand offence. <sup>h</sup> *Bozins* tells us  
 (how true I wot not) that they were all Priests. *Athenienses*  
*olim*, &c. The *Athenians*, quoth he, did strive to challenge to  
 themselves the prerogative of wisdom, and to them is it  
 bent what the Apostle saies, *The Greeks seek after wisdom*.  
 Neverthelesse their *Areopagus*, who had the power of all  
 things consisted of Iudges that were Priests, and the High



Priest of all that asked every of their sentences, took the suffrages. Their authority was unlimited. For<sup>a</sup> they were overseers of all, <sup>b</sup> Judges of wilfull murders, wounds given out of pretended malice; which would make some, having a desire to drive a man out of *Athens*, go to a Chyrurgion and make an incision in their heads, that they might sue him who they hated, upon an action of battery, as *Mantitheus* against *Bæotus*. They sate upon incendiaries and imprisoners, if the party dyed that tooke their doses, <sup>c</sup> They saw that the Laws should be put in execution; such as *Contareus* would have in *Venice* to be guardians of their Statutes. In a word all great delinquencies came under their censures. They inquired into the behaviours of men; and we read in *Xenophon* that they sharply reprov'd a young man for his loose living, *Ανακαλεσασθῶν αὐτὸν ἵπῃ Ἀρειοπαγῶν*, &c. saies the *Dipnosophist*: <sup>e</sup> *Valerius Maximus*. *Est* & *ejusdem urbis* <sup>h</sup> *sanctissimum consilium Arcopagus*. &c. There is likewise in that City the most sacred Councell *Arcopagus*, where they were wont most diligently to enquire, what either the *Athenians* did, by what gain he maintained himself, and what his trade and actions were. That men, knowing and remembring that once they must give an account of their lives, might imbrace honesty. <sup>i</sup> The Greek author tells us that except in great cases of necessity they medled not with state affaires, but it seemes otherwise. For if any one say, quoth <sup>k</sup> *Tully*, that the *Attick* Republique can be well governed, without the councell of the *Arcopagites*, he may as well say that the world may bee governed without the providence of the Gods. When the *Medes* and *Persians* invaded *Greece*, <sup>l</sup> by the advice of them was the war waged, wherein *Themistocles* purchased an everlasting memory of a victory. <sup>m</sup> And when their publique Treasurie was bare, they furnished each man with eight *Drachmes*, and stored the ships with Mariners. Which advice, when they had won the day, was a cause, saies <sup>n</sup> *Aristotle*, *ἑωτέραν ποιῆσαι τὴν πόλιν*, to give strength and sinewes to the

<sup>a</sup> *Plutarch. Solon* p. 63.  
<sup>b</sup> *Ælian. Var.* l. 15. c. 15.  
<sup>c</sup> *Dem.* p. 406.  
<sup>d</sup> *Demost.* in *Orat.* *περὶ Βουλῶν περὶ νόμων*.  
<sup>e</sup> *Dem.* p. 445.  
<sup>f</sup> *Pachymer.*  
<sup>g</sup> In *Sympol.* unless I am extremely forgetfull. It is quoted likewise by *Athenæus* *Dipnos.* l. 4. p. 167.  
<sup>h</sup> *Lib.* 2. c. 6.  
<sup>i</sup> *Aristides.* T. 1. p. 331.  
<sup>j</sup> *ἐν τοῖς Ἐλευσινιακοῖς*  
<sup>k</sup> *ἐπὶ τῇ ἐκείνου*  
<sup>l</sup> *ἐν τῇ ἀπορία*  
<sup>m</sup> *ἐν τῇ ἀπορία*  
<sup>n</sup> *Anon. Arg.*  
<sup>o</sup> *Orat. Androt.*  
<sup>p</sup> *De natura*  
<sup>q</sup> *Deorum.* 2.  
<sup>r</sup> *Est enim*  
<sup>s</sup> *bellum gestū*  
<sup>t</sup> *consilio Senatus ejus.* *Cicero* *Off.* 1.  
<sup>u</sup> *Plutarch.* in *Themistocl.* pag. 84 l. 3.  
<sup>v</sup> *Polit.* l. 5. c. 4.

<sup>a</sup> *Iliocates*  
*Reop.* p. 132.

<sup>b</sup> *Lier.* lib. 2.  
 in *Aristippo.*  
 p. 154.

<sup>c</sup> *Symeon*  
*Metaphrast.*

<sup>d</sup> *Pollux.* l. 8.

<sup>e</sup> *Hermotim.*  
 p. 505.

<sup>f</sup> *Pollux* pag.  
 405.  
<sup>g</sup> *Vide Ulp.*  
 in *Demost.*  
 pag. 396.

**Commonwealth.** Under their sight were all the youth of *Athens*. For this reason especially, because that when they were reckoned among men, and were come to age, they needed more care to be had of them, than when they were children; not observed by our countrymen in sending their sons young to the *Innes of Courts*) youth and heat of blood, unstaidness in judgement, rashness in adventures, and proneness to vice, leading, or rather carrying headlong tender yeares to their owne destruction. To them appertained blasphemies against their Gods, violating of religion, and divulging mysteries, as when <sup>b</sup> *Euryclides* the *Hierophanta* in answer to the question of *Theodorus*, *Τίτες εἰνὶ οἱ ἀσέβητες περὶ τὰ μυστήρια*, who offended against the mysteries? *Οἱ πῖς ἀμύητοι αὐτὸ ἐκπέσιντες*, replied, such as open them to those who are not initiated. Therefore, quoth the Philosopher, art thou impious. For which crime, had not *Demetrius Phalerens* befriended him, the *Hierophanta* was in danger, *εἰς Αἰρετὸν ἀνάχθῃναι πάλιν*, to have been brought before the Councell of *Arcopagus*. By vertue of which authority <sup>c</sup> *St. Paul* was here judged for teaching strange Gods (as they supposed.) For although that the *Athenians* were under the *Romans*, yet their Lords made them *αὐτονομῆσαι*, *sui juris*, and permitted them to keep their ancient customes. The manner or proceeding in this Court, was thus. After the felony committed, the appellant brought his inditement to the *Basileus*, who giving the prisoner and his accuser audience once a month, at three severall times to debate the businessse, in the fourth month, brings in the accusation to the *Arcopagites*, and putting off the crown which he was wont to wear, sate down as judge with the *Arcopagites* in the dark: for they judged by night, saies <sup>e</sup> *Lucian*, that they might not regard the speaker, but what was spoken. It being there forbidden <sup>f</sup> *ἀποσιναῖν καὶ ἐκτρέφειν* to move to compassion, and use Proems, as in other Courts, wherein they craved the Judges favour and attention, which by *Demosthenes* are termed *ἐπαγοῖν*. This *Aristotle*

*Stoile* calls ἔσω τὴ ἀπογυμνῶσι λῆγειν, to speake beside the mat-  
 ter. Before the triall both parties sweare (which they style  
 ἁδωμοσίαν.) The appealer standing upon the testes of a Goat, a  
 Ram, and a Bull (usuall to the *Greeks*, as *Tyndareus* swore the  
 Suiters of *Helena*, that they should revenge any wrong done  
 to her and her predestinated husband, ἐπὶ τῶν περὶ τῆς πεμίας,  
 and *Hercules* to the children of *Helens* ἐπὶ πεμίων καὶ ὄρνι) tooke  
 oath, therefore named ἁρκὸς ἐπὶ πεμίων, in which he maintai-  
 ned that he dealt justly and rightly, and that he was joyned  
 in affinity to the slaine man; <sup>d</sup> which if he were not, he could  
 not prosecute, the Law forbidding. The reason why he stood  
 ἐπὶ πεμίων, I suppose is, because they are the instruments of ge-  
 neration, and in that oath, if he were not true, he wished an  
 extirpation of his house, himself, and his posterity. In which  
 if he were perjured, he was liable to the punishment, as a-  
 mong the Romans. <sup>e</sup> *Jurisjurandi contempta religio satis De-*  
*um ultorem habet.* For swearing is punished by a revenging  
 God, but if any swore false by the life of the Prince, he fell un-  
 der the *Julian Law, Læsa Majestatis.* After this the prisoner  
 swore; which among us will not be allowed. Then setting  
 each of them upon <sup>f</sup> two silver stones, one of which was na-  
 med λίθος ὀφρεως, the stone of injury; the other Ἀναδείας, by  
*Adrian Junius* thought Ἀτακτία, of innocence, not impudence.  
 Then the appealer asked the prisoner three questions, which  
<sup>g</sup> *Æschylus* calls τρία πᾶσι σμῆλα. First; whether he were  
 guilty or no, <sup>h</sup> εἰ κατέκτοντας, to which he answered, ἔκτονα. or ἔκ-  
 ἔκτονα, yea or nay: Secondly, ὅπως καὶ ἐκτίνας; for what reason he  
 did the murder. Thirdly, τίς ὁ ἐκδιδύμας; who were the A-  
 bettours. Then arose there certaine Lawyers, ἐξήνηται, who  
 shewed whether the murder was committed <sup>i</sup> σὺν δίκῃ, in  
 justice. (<sup>k</sup> For in *Athens* there were such Councillours, to  
 whom in matters of difficulty they had resort.) By σὺν δίκῃ,  
 you must understand those causes, in which <sup>l</sup> *Draco* thought it  
 lawfull to kill a man; as taking him committing uncleaneſſe  
 with wife, mother, sister, daughter, or concubine, or any whom  
 he

a Pollux loco  
 laudato. Dem.  
 cont. Aristocr.

p. 413.  
 b Pausanias  
 Lacon. p. 103.

c Idem Meſſa-  
 niacis. p. 126.

d Demosth. p.  
 608. & 416.

These agreed,  
 saies Poſſard,

about the pu-  
 nishment, ac-  
 cording to the

damage recei-  
 ved. De Athen.  
 Mag. p. 449.

e Lib. 2. C. de  
 reb. cred.

f Paus. Attic.  
 p. 27.

g Eumonid.  
 p. 292.

h Ibidem.

i Æschylus p.  
 293.

k Demost. vid.  
 p. 647.

l Demost. p.  
 312.



Vid. Demost.  
cont. Aristocr.

Vide Sylvium  
in Orat. pro  
Flacco.

a Torontius.

b Η γέτων

χείρις ἢ ἐν

τῷ χει-

ρὶν ἔφειν.

Pachymerius.

c Demost. con.

Aristocrat p.

413.

d Aristides

Tom. i. p. 185.

e Ælian. Var.

hilt. l. 5, c. 13.

f Valer. Max.  
p. 322.

g Lib. quinto.

he accounts among his children; the party so offending might be slain in the manner by him, against whom he had trespassed. Likewise, in the defence of a mans goods, if the thiefe were killed, impunity was granted. After this inquisition, they passed to sentence, which was given very privily, as *Juvenal* intimates, *Ergo occulta teges, ut curia Martis Athenis*; without speaking (as the *Tabellares sententia* of the Romans, in which they wrot C. if they condemned. A. if absolved. N. L. if the case were not manifest) hence *Ἀρειοπαγίτης σεφανώτερος*, for one that is close and silent; and *Ἀρειοπαγίτης*, for one that is grave, and who can hold his peace, & in whose countenance is *a tristis severitas*, ἐπὶ ᾧ σκυθρωπὴν καὶ ὑπερμενῶν καὶ σιωπηλῶν. Whatsoever they concluded of, stood irrecoverable, *b* neither could there be any appeal to another Tribunal. And no marvell. For so upright was their sentence, that none, either Appellant or prisoner could ever say, that he was unjustly condemned. Nay both parties, as well those that are cast, as they that cast, are alike contented, *d ἡτῶμενοι σέργασιν ὁμοίως πρὶς καὶ ἐγκατακόσιν*. After doom the prisoner was to suffer death. In which execution also the *Arcopagites* had a care lest the innocent should be punished with the guilty. When therefore they had condemned a woman for poysoning another, they deferred the execution, because shee was great with childe, and strait way after her delivery put the mother to death. Which custome is by us also observed at our Assises. It will not be amisse to relate one memorable thing done in the time of *Dolabella* Proconsul of *Asia*, who, when a dame of *Smyna* was brought before him, for killing her husband and son, who had deprived her of a hopefull youth, begot of her by a former husband, referred the audience of the matter to the *Arcopagites*, who commanded the woman and her accuser to appear some hundred yeares after; that by such a bottom of time, scarce able to be unwinded, they might shew, that neither would condemn nor acquit the woman. One thing more, *Quintilian* tells us, that they condemned a boy for



a Demosthe-  
 nes, Midiana.  
 b Eust. in Iliad.  
 1. Εδος πα-  
 λαιὸν ὡς, φο-  
 νήθεντος π-  
 νός, &c.  
 c De Ponto  
 lib. 1. Eleg. 4.  
 d Eustath. But  
 Demosth.  
 ἔως αὖ αἰδέ-  
 σθαι πρὸς τὴν  
 ἐν γένει τῷ  
 πεπονθότῳ.  
 e Untill he ob-  
 tained remis-  
 sion from  
 some of the  
 kindred of  
 the slain.  
 f Demosth.  
 f Fastorum 2.  
 initio.

(where the guilty had his life upon oath, that he would never  
 returne) but he did ἀξίον ἔχειν, in a gentler terme. 'For it was  
 a custome of old, to give a certain summe of mony (the At-  
 tique Law χρηματα ἐπίπρωμα, in wilfull, all was confiscate,) to  
 the kindred of the slaine, that they might not depart their  
 country; but if they could not purchase an abroad they went  
 somewhere else. c Ovid. Cade puer facta Patroclus Opanta  
 reliquit. Their discontinuance was but for one yeare, ἄλλως  
 ἢ ἔφονεν ὁ φονδὸς ἢ πλεον ὡς τὴν πολλὰ ἐνταυτῷ. The money disbur-  
 sed on such occasions was properly called ποινὴ, quasi φοινὴ,  
 from φόβος, murder, as if it were the price of blood. And the  
 Scholiast of Sophocles tells us that ποινὴ is spoken only, ἐπὶ κα-  
 ταβολῇ χρημάτων of payment of mony, but abusively of any pu-  
 nishment. d If the party wounded had forgiven the offender  
 before his death, or the allies of the man desperately hurt,  
 none could afterwards compell him to flye; otherwise hee  
 fled. And in that flight he betook himselfe to some acquaint-  
 tance, by whom he was cleansed from the guilt with cer-  
 tain ceremonies of washing, which the Romans call *Februa*.  
 So was Patroclus, Peleas, Aleda, Alcmaon purified.  
 e Ovid.

*Gracia principium moris fuit : illa nocentes*

*Impia lustratos ponere facta putat.*

*Altoridem Pelens, ipsum quoq; Pelea Phoci*

*Cade per Aemonias solvit Acastus aquas.*

*Vellam frenatis per inane draconibus Aegens*

*Credulus immerita Phasida fovit ope;*

*Amphiaraiades Naupacteo Acheloo*

*Salve nefas dixit, solvit & ille nefas.*

*Ab nimium faciles, qui tristia crimina cadis*

*Fluminea tolli posse putatis aqua.*

In this ceremony they did θύσαι, sacrifice, saies Demosthenes,  
 (which custome likewise was observed by the Traxenians  
 in the lustration of Orestes from the blood of his mother,  
 which I gather by the feast which they presently celebrated  
 there

g Κατὰ Αἰ-  
 τωρ p. 114.  
 h Pausan. Co-  
 rinth. p. 74.  
 Κατὰ ἐστὶ  
 φασιν Ὁρ-  
 στω καὶ ἀπο-  
 οῖς ἢ ἀδελφῶν,  
 &c.



there, and yearly observed afterward. This manner was done with water, as you may read, taken out of the well *Hippocrene*, made by the foot of *Pegasus*; the sprinkling was with a little bough of *Lawrell*, as I suppose by the words following perswaded to it; which tell us, that when the *καταρσία* were buried, there sprouted out of them a *Bay tree* and after that *καθαίρειν, θύσαι κ' καθαρθῶαι*. This as I said was in his sight, *καπνὸν δ' ὁσιῶν κ' καθαίρειν νόμιμαίσι ποί*. The proceeding in this Court, was first, *δωμοσία*, such as before I mentioned, an oath in each party, accuser and defendant: secondly, *λόγος*, their speeches of both sides: thirdly, *γῶσις δικασθεῖς*, Judgment. If the prisoner were found guilty, that is, unwillingly to have murdered, then had he a time appointed him, how long he should flye, as above said, untill he had made peace and gotten pardon from the Cousins of the deceased.

C A P. III. S E C T. IV.

*De Judiciis, ἐν Δελφινίῳ Πρυτανείῳ. Φρεατῶϊ.*

**A**T Athens there was a Temple erected by *Aegens* a Plutarch. pag. 4. l. 19. (who lived in *Delphinium*) to the honor of *Apollo Delphinius* and *Diana Delphinia*, b Schol. Arist. pag. 333. where was the Tribunall named *ἐν Δελφινίῳ*, or *ἐπὶ Δελφινίῳ Δικαστήριον*. \* In this Iudicatory were heard cases of murder, when the party confessed the fact, but pleaded that it was legitimate. c Ælian. Var. l. 5 c. 15. For the Law required no punishment of any man that should kill another taking him committing adultery with his Wife, or uncleanness with his Mother, Sister, Daughter, Concubine, or free Children. Likewise if in preservation of his goods, or own defence he spilt blood it was not capitall. The first that was arraigned here was *Theseus*, maintaining the right he had to slay the thieves, saies *Pollux* (I know not whether hee mean *Sciron* and *Procrustes* &c.) and *Pallas* with his children, who were rebels. Before this triall of *Theseus*, who- d Lib. 8. pag. 406. e Pausan. Att. p. 27.

soever had slain any body was compelled to flye the country, or staying dye, were the cause never so just. *ἐν Πρυτανίῳ*. Here they sate on things inanimate. As if a stone, timber, iron, or such like, fall on a man, and kill him, if the party that slung this be not knowne, sentence was past on that thing which slew him; and the *φυλοβασίλῃς*, that were the Masters of this court, were to see this thing cast out of the Territories of Athens, to which *Ἀeschines* alludes, *Τὰ μὲν ξύλα καὶ λίθους, καὶ τὰ σίδερα τὰ ἄφωνα, καὶ ἀγνώμονα ἔαν πῖνα ἐμπρόσνῃ ἀποκλείειν ἡσυχάζουσιν*. The first thing that here was judged was an Axe, wherewith the Priest, whom they call *Βερόν*, had slain an Oxe on the altar of *Jupiter Polieus* in the time of *Ereathens*. *ἐν φρεατῇ*. In that part of *Piræum* which is next the Sea, is a place which they name *φρεατὺς*, from *Phreatus* an *Heros*, some think; not because it stood in a pit, whence *Pollux* names it *ἐν φρεάτει*. Here they were judged who having fled out of another country for unwillfull murther, *μὴ ποτὶς ἐκβαλόντων αὐτὸν ἡθεσμύων*, they that drove him out not acquitting him, if in the space of his exile it happened that he wittingly slew another, he answered heer. The proceeding was in this sort. The Judges assembled in *φρεατῇ*, in a place seated on the Sea, *ἐπὶ ποτὶ πικαλέμινον ἐπὶ θαλάτῃ*, where the guilty drawing near in a boat or bark, was to make his apology, *τὴν δὲ ἀπὸ βουκινῆς*, not comming to land or touching it, neither casting anchor for mooring his bark; and if he were found guilty he underwent deserved punishment: If he were not found guilty they cleared him of that fact, not discharging him of the former, *πῶς δὲ ἐπὶ αὐτέρῳ φόνῳ φυγῶν ὀπίσθῃ*. I know not whether I may be of that opinion that others are in this, that if he were cast in this tryall, he was exposed to the cruell mercy of the wind and waves. These last quoted words seem to contradict it. The first that ever answered here was *Tencer*, proving himselfe to be innocent of the death of *Ajax*; *ἡ* whom treacherously circumvented because he defended not his father *Telamon* drove out of

*Salamis*

*a* Pollux loco citato;  
*b* Contra Etc.  
Sph. p. 103.

*c* Lib. octav.  
406.  
*d* Demosth.  
contra Ari-  
stocr. 415.

*e* Demosth. lib.  
*f* Rodolphus  
Guarterus out  
of Pollux in-  
terprets it.  
Scalam terræ  
inijcientem,  
putting downe  
a ladder; the  
Greek  
*καταβάν.*  
*g* Demosthe-  
nes.  
*h* D. Dis cre-  
ventis de bello  
Trajano l. 6.  
p. 147.

*Salamis*, unto which that he might be restored he made appeal to this court : Which gives light to *Aristotle* *Ὁτι τοῖς ἐδύχασιν φόβῳ, ἐπὶ καθεδρῇ ἐπιτίθενται* *ἢ Ἀδύχασιν λέγει* *καὶ τὸ ἐν ὁρεῶσι δικάσειον*. Judicatories concerning men flying for murder, that care for their bringing back againe, such as in *Athens*, *τὸ ἐν ὁρεῶσι*. When the party prosecuting will not admit of reconciliation.

*a Politicon 4. c. 17.*

C A P. III. S E C. V.

*De Tribunalis reliquiis.* *Παράλευρον. Τετράγωνον. Βαρεχχίδιον. Φοινικίδιον. Τὸ ἐπὶ Ἀρκῶν. Μπύχης δικάσειον.*  
*Εν Ἀρδύπῳ. Διατυτταί.*

**B**Esides these Courts of blood and causes criminall, there were for civill matters these, *Heliaa*, of which before for the excellencie of it I treated. *Παράλευρον*. Of this name there were two, *ᾠδάλειρον μέζον καὶ μέσον*, the greater and the middle. In this Court were handled matters, saies *Petit*, that exceeded not one drachme, to which *Aristotle* might be thought to looke speaking of Iudicatories, *περὶ ἧς μικρῶν συναλλαγμάτων, ὅσα δραχμαῖα, &c.* And this was the meaning of *Pausanias*, *Ἐπὶ ἐλαχίστοις συνιόντων, ἐν αὐτῷ*. Suing here for the least occasions. The *Undecimviri* were Iudges of the Court, which made *Petit* to suppose that it was not to be reckoned among the *δὲκα δικάσεια*. It stood *ἐν ἀφανὲς πύλῳ*, in an obscure place of the city; whence *ἐν ᾠδάλειρῳ*, in *Demosthenes*, is by *Ulpian* expounded, privily, by a *Metaphor* taken from the situation of this Iudicatory, or, *ἐν τῇ οἰκοδομίᾳ ἐνδορ, καὶ κρύφα τῷ φαινομένῳ*, from goods secretly hidden. *Εν ᾠδάλειρῳ, ἀπὸ τῆς λέξεως. Τετράγωνον*, from the forme of it, which seems to have been triangular. *Βαρεχχίδιον*, and *Φοινικίδιον*; from the colours that were painted *ἐπὶ τῇ σφηνίσκῳ τῇ εἰσοδῷ* upon the post of the entry, answerable to which there was a staffe given to the Iudges, that they

*b Polit. lib. 4. c. 17.*

*c Atticis. pag. 27. l. 13.*

*d Pausanias ibidem.*

*e Pag. 450.*

*f Aristoteles Athen. Rep. apud Arist. Sch. pag. 31.*



they might know in what court to sit; For they presently went to that court which had the same colour with their staffe. Το δὴ Λύκος. From the statue of *Lycus* on *Heros*, which was there set up, having the face of a wolfe; where likewise the statue of *Juno* stood visaged in the same manner. But we must not omit that the image of *Lycus* was erected in every court; hence Ἰλῦκος δικαίος. *Lyci decem*, for sycophants and such

a Zenobius.

b Lib. octavo p. 406. The place is extremely corrupted, as you may perceive by the false Greek.

c Vesp. p. 457.

d Pollux lib. 8.

b πάλαι ἢ σωμένον οἱ σωδεδόξαντες τὰ δικαστήρια (understand *οὗτος ὅτι* or the like) at which they who bribed the Judicators met. *Zenobius* helps my conjecture, εἶδα οἱ δωροδοκῶντες, ἢ συκοφάνῃ καὶ δέκα μισθόμοι σωεστέροντο. The c Scholiast of *Aristophanes* writes that this noble *Lycus* had a Temple neare the Judicatory, where the Judges divided their money for pay, three oboli, to each, a day. d Μητῆχος δικαστήριον. This was a great Judicatory, so named from *Metichus* an artificer, which built it. Here, who had passed thirty yeares of his age, and was well and nobly descended, and owed nothing to the publique treasury, might be chosen Judge. For of such they all consisted. Εν Αρδύλλῳ. Some have falsely supposed that there was a Tribunall so called; neither did e *Meursius* think otherwise, when he translated these words of f *Pollux*, εν Αρδύλλῳ δικαστήριον, *apud tribunal Ardetum*. The fault crept in by the negligence of the transcriber; for the place is thus to be read, ἀμυσσὺν εν Αρδύλλῳ δικαστήρια. The Judicatories were wont to take oath or be sworne in *Ardettus*. *Ardettus* is a place near the river *Ilissus*, so named from *Ardettus* a Peer, who swore the people, being in sedition and mutinie, to love and amity. Where afterwards, as is most probable, the Iudges took oath (I cannot justly say presently after their election) to give sentence according to the Laws, and concerning things to which no Lawes were enacted, in equity and justice, g by *Apollo Patrus*, *Ceres* and *Jupiter Rex*. And this the Etymologist affirms, speaking of *Ardettus*, h Εν τῷ

e Athen. At. l. 2. c. 12. p. 124. f Lib. 8. p. 3. 406.

g Απόλλω Πατρῶν, καὶ Διὶ ἡμετέρῳ, καὶ Δία Βασιλεῖα. b Etym. mag. p. 147.

τῶ ἐν τῷ χαλεπῷ ᾧ μυστρί οἱ δικασταὶ τὴν δίκην ὁρίζον. The Judges in this place took their oath touching the discharge of their office. From whence among the Ancients such as would presently swear, were called <sup>a</sup> *Ardetti*, proverbially; as also those who were perjurious and forsworne. <sup>b</sup> Καὶ Ἀρδιτῆς τὸς ἐπίδικους. Thus have we viewed the Athenian Judicatories, in number tenne. For Murther, *Arcopagus*, *Palladium*, *Delphinium*, *Prytanæum*, and *Phreattys*. For other matters, *Heliaa*, *Trigonum*, *Parabystrum* (not the *Medium* but *Majus*) *Metichi forum*, & *ad Lycum*, where the *Δικασταὶ* were wont to sit, saies <sup>c</sup> *Possardus*, of whom, because <sup>d</sup> *Emmins* numbers them among *Judicia quatuor precipua* the four chief Courts, I will now speak. But of every Tribe were chosen <sup>e</sup> forty four men, <sup>f</sup> above threescore yeares old, who judged in severall Tribes, as it fell to them by lot. And if any refused to sit according to his lot, he was deprived of the privileges of an *Athenian* Citizen. <sup>g</sup> In former time there came no controversie into the Courts, which had not first past through their hands (if it exceeded tenne drachmes. *Al-* though <sup>h</sup> *Ulpian* tells us that they determined of petty businesses) but that seems to be, *ἅν ἐν ἱερίῳ*, holy matters; if *Pollux* be so to be read. For some things there were which came not under their jurisdiction. What ever the *δικασταὶ κληρωτὲς* judged, if the Plaintiffe and Defendant, or either of them liked not the award, they might referre it to the Senate (as appeares out of the Argument of *Demosth. Orat. contra Callippum*, & <sup>k</sup> *Pollux*) at which removing of the suit they were to cast their suffrages into a pot as they gave them on what side soever, for the Plaintiffe by themselves, and for the Defendant by themselves. When they were appointed for the hearing of a case, they were to meet at the place for them ordained, there to expect both parties untill the even, at which time if neither, or but one was present, it was in their power to fine them according to the Law. At the time they entered the suit, and wrote the accusation, with the fine

which

<sup>a</sup> Casaub.<sup>b</sup> Theop.  
Char. p 178.<sup>c</sup> Etym. Mag.  
loco laudato.<sup>d</sup> De Mag.

Athen. p 540.

<sup>e</sup> Descrip.

Reip. Ath. p.

41.

<sup>f</sup> Ulpian in

Dem. p. 342.

<sup>g</sup> Pollux l. 8.

p. 407.

<sup>h</sup> Pollux. ib.<sup>i</sup> Demosthe-

nem loco ci-

tato.

<sup>j</sup> Pag. 678.<sup>k</sup> Lib. 8. p. 407.<sup>l</sup> Vide Dem.

Midian. &amp;c.

Ulp in in il-

lum. p. 344.

a Pollux l. 8.  
c. 10. p. 408.

b Orat. in  
Bæotum pro-  
dote.

\* Idem pag.

682. n. 41.

c Ulpian loco

laudato. 342

d Petit Mis-  
cel. l. 8. p. 211.

e Vide legem  
apud Dem. p.  
344.

f Zenobius.

which was required for damages; they received as a fee from the Plaintiff one drachme, which they called <sup>a</sup> δίδασκα, as also another from the defendant, when they gave him his oath. The office was but annuall: And because they would pervert justice, (as <sup>b</sup> Demosthenes is witness, \* although they were not to judge before they had sworn) give sentence according to favour, envy, or for gaine; therefore <sup>c</sup> at the yeares end they made an account of their function upon the last day of <sup>d</sup> Thargelion, on which it was lawfull for any to speake what he could object against them; and if any were faulty, they were <sup>e</sup> ἀνυοί. Thus much of the Διαιτηταὶ Κληρονομί. There were other Διαιτηταὶ likewise; such as our Civilians call *Arbitri compromissarii*; and we in English *Arbitrators*: whom two parties choose with a resolution to stand to their determination; whether in matter of debt, covenant, or other controversie soever. Such by the *Attick* law any might request, but with a necessity of abiding at their judgement. For they could not appeal from them to any other court. To referre matters to their arbitrement, the Greeks terme, *ἐμπνέειν δίκην*. And it will not be superfluous here to relate the story of *Bunas* an *Athenian*, whom when the *Elei* and *Calydonii* had chosen arbitrator in a difference, after he had heard both parties, he prolonged the sentence untill at last he died. Whence it grew to a proverb, <sup>f</sup> Βένας δικάζει, *Bunas judicat*, *Bunas judgeth*, of those that defer to passe sentence, and hold a case long in suspense.

## C A P. IV.

### De Nominibus Judicialibus.

g Descrip.

Reip. Ath. p. 48

**H**AVING thus treated of the *Attick* Courts, it follows that I speake of their Terms of Law, Writs, and Accusations. These were of two sorts, private and publique. The publique were properly termed *κατηγορίαι*, saies <sup>h</sup> *Emmins*. Of



κατηγοριῶν, there were divers sorts. Γραφή, φάσις, ἐνδείξις, παρα-  
 γνῆ, ἀφ' ἧς οἱ, ἀνδραληψία, ἡσπαλεια. Γραφή, saies <sup>a</sup> *Ulpian*, is ὅτι τ  
 παρονομιῶν, of any trespassse against the Law, by which the Sta-  
 tutes of the Commonwealth are violated; and most properly  
 quoth he, elsewhere, it signifies an accusation made a ceor-  
 ding to the Law; or to come nearer, it is the same which in  
 English we call a Writ or Right, in Latine, *Actio* or *Formu-  
 la*, as in <sup>d</sup> *Sueton*, *Injuriarum formulam intendere*, to serve a  
 man with a Writ: φάσις, is a kinde of an Information made  
 against any for abuses in the Mines, or Custome houses, for  
 converting Tribute mony to a mans owne use, or the like.  
 Which offences were brought to the *Archon* in writing, with  
 the names of the accuser and accused, and the fine which the  
 parties convinced should undergoe, to be paid to him to  
 whom the wrong was offered. But if the Informer had not  
 the fift part of the suffrages, he was to lay downe the sixt  
 part of the fine; which the Orators call ἐπιπρωτολογία, from ἐπιπρωτος, / *Demosthen.*  
 because it signifies the sixt part of a Drachme. At the end  
 of the accusation, the informer was to subscribe the names of  
 the witnesses that were present. In generall, all discoveries  
 of private injuries are called φάσεις, which in Latine you may  
 name *delationes*. For which the Romans allotted the fourth  
 part of the forfeit, whence they are stiled *Quadruplatores*;  
 but among the *Athenians* not so, if *Pollux* say right, καὶ τὸ ἀμεί-  
 νων ἐν ἡμέτερο ἥδ' ἀδικημάτων, ἡ καὶ ἀμείνων ἡδ' ἀδικημάτων φαίνεται. The  
 amercement fell to the person injured, although another  
 accused for him. If the fine were written down a thousand  
 Drachmes, & the accuser had not the fift part of the voices;  
 he paid two hundred and one Drachme, if it exceeded, a  
 thousand, foure hundred and one. Εἰδείξις is a Writ against  
 those that owe to the City Treasurie, and yet goe about to  
 beare office, saies <sup>b</sup> *Ulpian*, which by the *Attick* Law was ut-  
 terly forbidden. The Scholiast of *Aristophanes*, takes it for  
 the accusing of any that did amisse in publique affairs; and the  
<sup>k</sup> Interpreter of *Demosthenes* in another place, ἐπὶ τῇ ἀπ' αὐτοῦ, <sup>for</sup>

<sup>a</sup> In Demost.  
 pro Corona.  
 p. 159.  
<sup>b</sup> Oiat. contra  
 Lept. p. 296.  
<sup>c</sup> Sir T. Smith  
 Com. Wealth  
 of Eng. l. 2. c.  
 10.  
<sup>d</sup> In Vitellio.  
 e Pollux l. 8.  
 p. 387.

*Demosthen.*  
 cont. Caricl.  
 p. 699. n. 6.  
 cont. Evarg. &  
 Macsib. pag.  
 646. n. 90.  
 cont. Steph.  
 J. d. d. A. p.  
 622. n. 9. con-  
 tra Onetora.  
 Εξουλ. β. p.  
 528. n. 19.  
 cont. Aphob.  
 β. p. 508 n. 97.  
 & Onomast. l.  
 8. c. 6 p. 387.

<sup>b</sup> In Demost.  
 p. 391.

<sup>c</sup> In Equit. p.  
 303.

<sup>k</sup> Pag. 469.

a Onom.lib.8. for men disfranchised. But *Pollux* teaches us that it is a declaration made to the *Archon* against one taken in the manner; which the *Greeks* terme ἐπαυτογράφῃ, <sup>b</sup> Schol. *Naxian*. ἐπ' αὐτῇ κλοπῇ, *Pollux* expresses by ὁμολογήσας ἀδικήματι, when the offence is confessed. Because men so apprehended were forced to condemne themselves; no further evidence required then from their own mouths. By which acknowledgement of their guiltinesse, without greater triall, they received their doom; as among us when a prisoner arraigned, confesses his inditement to be true, no twelve men goe upon him; there resteth but the Judges sentence of the paine of death. Whence grew our proverb, *Confesse and be hang'd*. <sup>d</sup> *Pollux* ὁμολογήσας ἀδικήματι, ἐκείτω, ἀλλὰ πτωχείας δευόμενος. He that thus made this declaration, was to subscribe his name, that if he were false, he might be liable to the Writ, ἡ δὲ δέξις ἐν σείξειας. The declaration was against men who were not present. *Ἀπαγωγὴ*, is a carrying of a man before the Magistrate, being taken in the fact, whom otherwise he was to accuse by declaration in his absence. By which a thousand Drachmes were endangered. In this ἀπαγωγῇ, they brought not all offenders to the same Magistrates, but according as they were made Judges of such and such offences; sometimes to the eleven, sometimes to the *Thesmotheta*, sometimes to the *Archon*. Now if any man had found out any indebted to the publique treasury, or bound for those places or countries, where it was not permitted for him to go, or one who had committed murder, if by reason of weaknesse he durst not venture to apprehend the person, and ἀπαγγεῖν, he would perhaps fetch the *Archon* to the house where such a party lay hid, which the *Attick* Lawyers terme ἀπαγγεῖν Ἀνδροπόνημον, is when a fellow hath committed murder, and flies for succour to any; (as the Law suffered any to receive him) if the kindred of the slain or others had required the malefactor to be delivered to the, and the protector would not, it was lawfull to enter into his house, and carry away any three persons, as some translate it,

or all save three, ἀρχιτεῖων, as others, who were to answer for the outrages done. But who so entred unjustly, was not to escape unpunished. Εἰσαγγελία, saies\* *Ulpian*, is an accusation concerning great and publique matters, such as <sup>b</sup> elsewhere he speaks of, to wit, the dissolution of the *Democracie*; or if an Orator had spoken what was not for the benefit of the weale-publique, if any went to warres before they were sent, or betrayed a garrison, army, or fleet. In other accusations, if the accuser had not a fift part of the suffrages, he was fined a thousand Drachmes, and lost the priviledges of a Citizen, in this he was uncontrolable. But in after time, because men would accuse presently for none, or small offences; therefore was there a law enacted, that whosoever accused by εἰσαγγελία, and had not the fift part of voices on his side, was fined a thousand Drachmes, although he lost not the priviledges of a Citizen. This εἰσαγγελία contained no written crimes, but was only by bare word of mouth; and as the accusation was given, so was the defence made according to the Law called Εἰσαγγελιῆκος. The Senate was *judg* (*Pollux* saies that *Solon* made a thousand to sit on this, and *Phalercus* 1500. Where the interpreter erres. For πρὸς πεντακόσιοι is 500. to them, as ἐπὶ πρὸς, in *Demosthenes*, and somewhat more) and whom they found delinquent, if in small faults, they fined; but if the offence were heinous, they committed him to prison. Thus much for publique actions; private were these that follow, more properly called *δίκη*.

Αἰκίας δ. is an Action against a man, who when two shall scuffle, gives the first blow, which the Greeks call ἑξέαι πληγῶν ἀδίκων <sup>d</sup> The matter was heard before the Judges; and though the Law ordained not any set summe of money for damages, yet it was permitted for the party smitten to write down what he thought fitting. The reason why these actions were so strictly looked into, was lest any not able to defend himselfe with his hand, should seek to revenge himselfe with stones, or other hurtfull weapon.

a Idem cont.  
Arist. p. 415.  
\* In Dem. p. 58  
b Eund p. 453.

c D. m. p. 410.  
v de Ulp. ibid.  
& Arg Orat.  
cont. Everg.

P  
a Sch. Arist.  
Conc. p. 745.  
e Dem. cont.  
Con. p. 690.



a Idem ibid.

<sup>a</sup> Κακηγορίας δ. Somewhat neare our proviso of giving the lye, left by taunting and reproachfull words, men be provoked to blowes. Βλαβής δ. Is when any man receives damage and hurt in estate by another man.

b Arg. Orat.  
Dem. contra  
Callidem.  
c Dem. cont.  
Callip. p. 680.  
n. 20.

d Dem. cont.  
Tim. p. 659.  
n. 25.

e Sch. Aristo.  
137. E.

f Cont. Phor.  
p. 555. n. 7. 8.  
g Vide Cujacium. Observ.  
l. 6. c. 15.

into his ground, by which it is anoyed: c To refuse to pay money where it is required, or to give it to another. d To promise to bear witnesse in a suit, and then not to be present, by which the case falls, and the like. Παρεκαταθήκης δ. About pawns, I suppose, which men that needed money were wont to leave with the usurers, e as cloaths, householdstuffs, &c. Or about money put to the banke, which the exchangers did imploy to the advantage of the owners, as I gather out of f Demosthenes. The word imports both. Αποτομής δ. Of divorce.

g For they were wont to put away their wives in former time, upon discontent or hope of greater portions; which divorce they called αποτομω & as *Lysias* αποπεμψιν on the husbands side, and on the wives απολψιν, for hee did as it were turne her away, she was said to forsake him. Κακώσεως δ. Of ill usage of parents, as not relieving them if they were poore. Of wives against husbands, of Pupils against Tutors. κλοπής of theft, after what manner soever. Which if it were by day, was not capitall, but by night was deadly. Χρέως δ.

h This is reckoned among the Lawes which were made for private men, Ulp. in Dem. p. 481  
i Vi. Calaub. in Theophr. p. 191. Char. περί Απονοίας.  
k Pol. l. 1. c. 3  
l Dem. p. 651.  
n. 13.  
m Ulp. in Dem. p. 62. & 310.

Such as our Act of Parliament hath allotted for extortion, it being by h Law provided in Athens that none should take too much use, although once allowed by Solon, that any might make the best of his money: which he termes i εἰσίτημον ἀργυρίου. Of usury I shall speake more in Chap. of money.

συμβολαίων δ. When men had bargained and would not stand to it. k Aristotle. δίκην πρὸς ἀλλήλους ἐπὶ συμβολαίων.

Συνθήκης διαδοσέως δ. When men broke the Articles which they made to each other, about dividing of inheritance between man and man; or between city and city. concerning free trading, as that of the Carthaginians with the Romans. Arist. Pol. 3. c. 6. or the like. l These συνθήκαι were usually confirmed by oath to each other. Διαδικασίας δ. a contention

tion about bearing office, in which they seek to have a time appointed, when a man shall enter into it. For the discharge whereof they are to prove him fit. *Επισυνασία δ.* When parents died and left their daughters inheritrices, the kindred was wont to sue each other, to make it appeare who was nearest joyned in blood, that he might marry her. Hence a Virgin to whom an inheritance falls, is called *ἐπίδικος*, that is,

*Controversa.* *Μισώσεως ὅκος δ.* About letting of houses. (For *Herodotus* termes that *ἐκδοσιον*, which other Greek writers *μικτόν*, it is well to set to hire, as to take rent, *ἀμισθον* and *ἀπομισθον*, to let out. Which they often did for want of mony, which that they might obtaine the quicker, they wrote over their dore as we use to do, *Εἰς τὴν οἰκίαν τὴν ταύτην να εἰσέλθῃς*. Which custome *Menedemus* in *Terence* expresses-- *Inscripti ilico*, *ΕΔΕΣ ΜΕΡCΕΔΕ.*) This Writ was properly against Guardians of Orphans (not concerning men of years, such as immediatly is before spoken) who having taken the charge upon them of tuition, were to imploy for the benefit of their Pupils what was left them: they therefore made known to the *Archon* that such a house was to be let, he then put it out upon some pledge for security. But if the house were let under the yearly rent it could bring in, or was suffered to remaine void of a Tenant, to the losse of a Pupill, then was it lawfull for any man to sue the Guardian in the *Arcons* court, upon a Writ of *Μισώσεως*. *Επιτομή.* I have observed it to have been a custome among the Ancients, when they perceived themselves to draw neare to death, to call for some one, to whose care they would commit their children, and delivering them into their hands, beseech them to have a tender eye over them, and to provide for them, what should be most convenient; such as *Oedipus* in *Sophocles* entreats of *Theſeus* in the behalfe of his daughters - *ὦ φίλον κλέος Διὸς μοι*

*a* Pollux l. 3.  
c. 3. p. 136.

*b* Heaut. Act. 1.  
Sc. 1.

*χειρὸς σῆς πῖσιν ἀσχεῖαν τέκνοισι, γμήϊς τε παῖσιν τῷ δὲ καὶ κατάνεσον*  
*Μήποτε περὶ δώσειν τὰς δ' ἐκλὼν, τέλει δ' ὅσ' αὖ Μένεος φρονῶν δ' ἔξομ-*  
*φίρον τ' αὖ τὸς αἰεῖ.* Not unlike is that of the *d* *Comædian* under

*c* Oedip. Col.  
P. 314.

*d* Ter. Andr.  
Act. 1. Sc. 5.

the person of *Crysis*, committing *Glycerium* to the Tuition of *Pamphilus*.

*Accessi: vos semota: nos soli: incipit:*

*Mi Pamphile, hujus formam atq; ætatem vides:*

*Nec clam te est, quàm illi nunc utraq; inutiles*

*Et ad pudicitiam, & ad tutandam rem sient.*

*Quod ego te hanc per dextram oro, & ingenium tuum,*

*Per tuam fidem, perq; hujus solitudinem*

*Te obtestor, ne abs te hanc segreges, non deseras.*

*Si te in Germani fratris dilexi loco;*

*Sive hæc te solum semper fecit maximum,*

*Sen tibi morigera fuit in rebus omnibus.*

*Te istum virum do, amicum, tutorem, patrem.*

*Bona nostra hæc tibi committo, & tua mando fidei.*

*Hanc mihi IN MANUM DAT, mors continuo ipsam occupat.*

But among the *Athenians* the use was to nominate in their Testaments and last Wills, whom they would have to bee Guardians. Which office after they had undertaken, if they should defraud the Orphans of their patrimonie, or any part thereof, they were sued with a Writ *ἐν ὄντι*, as <sup>a</sup> *Demosthenes* did sue his as soone as he came to age. But if the matter were not questioned within five yeares after the pupill was admitted among the number of men, by the <sup>b</sup> Law the Guardian could not be taxed. *Ἀποσάσις*, Of a Master against a Servant ingratefull for his manumission, not doing his duty to his Master. Because, as <sup>c</sup> *Demosthenes* witnesses, it was the nature of servants once made free, not only to be ingratefull, but also to hate their Masters most of all men, as those who had been conscious to their servitude. It was enacted therefore that whosoever was convicted of ingratitude should againe be made a bondslave. \* *Valerius Maximus*. *Age quid illud institutum Athenarum, quam memorabile? quod convulsus à patrone liberus ingratus, jure libertatis exuitur.* The Romans did not only acquit them of the liberty of the Citi-  
(which

<sup>a</sup> Plut. in vita  
<sup>c</sup> jus.

<sup>b</sup> Demosth p.  
734. n. 22.

<sup>c</sup> Pag 465.

\* Lib. 2. c. 1.  
n. 670.



(which the *Athenians* gave not) but made them also slaves, which punishment they terme <sup>a</sup> *Maximam capitis diminutionem*. Σίττα. If any man put away his wife hee was to restore her portion again; if he refused he was ἐπ' ἐννὶ δρολῶς πκοφορεῖν, that is, every month for one pound to pay nine *oboli* which the *Atticks* terme <sup>b</sup> εἰσπόμενον περικλός, the renew of her dowrie. The Writ whereby he was sued was Σίτεδίκη, for the repayment. <sup>c</sup> ἐνοικίε, If any went to Law, as clayming Title to an house, he was first to serve him that dwelled in it with a Writ, ἐνοικίε, by which he demands his rent for the time the defendant had the house; if it were for any parcell of land, there was a Writ κῆρυξ given out, for the provent and fruit thereof; afterwards (in both cases alike) they proceeded to an εἰσίας δίκη, in which they claymed right and title to the house or land. Although in all these trialls the defendant were cast, yet could he keep justly either house or land: but if in a third triall, which they call ἐξέλις, he were overthrown, he was compelled to relinquish his possession. This ἐξέλις also is a Writ against those that would cast an inhabitant out of his house, it being termed from ἐξέλειν, to throw forth. <sup>d</sup> It is also a Writ of Execution against any overthrown in the Court, and fined a thousand Drachmes, which at such a day he was to pay; and if he laid it not down upon the nail, there went forth a Writ ἐξέλις, to make enter upon the lands and possessions of him to cast. It is also a Right against any who wil not suffer him, who hath bought any thing of the publik, to reap the fruit thereof. Who either with-holds any thing from the owner, or violently takes from any, &c. <sup>e</sup> Εἰς δαπνηρὸν ἀρεσιν. When two had been partners in estates, and one of them would have a dividence made, if the other refused, hee might be constrained to it by the Writ. Βεβαιώσεως, Because the Market place among the Greeks was the fittest to cheat & copen in, as *Anacharsis* was wont to say, therefore the *Athenians* enacted that none should buy in the market place (to which the *Scythian* wisemen pointed likewise, saying, that they

<sup>a</sup> Justin. Inst. l. 1. T. 16.

<sup>b</sup> Demost. p. 723.

<sup>c</sup> Dem. pag. 655. n. 58.

<sup>d</sup> Ulp. in Dem. p. 340.

<sup>e</sup> Apud Laert. p. 74.

<sup>a</sup> Pollux l.8.  
c.6.p.385.

<sup>b</sup> In Aufon.  
Le Grl. 2. c.6.

<sup>c</sup> In Theop.  
Char. p. 312.

<sup>d</sup> Adversario-  
rum l.4.c.13

<sup>e</sup> Don, Quod  
prius datur, ut

reliquum red-  
datur. in Ter.

Heaut. Act.3.  
Sc.3.

<sup>f</sup> Vide Dasq.  
in Basil. Sel.

<sup>g</sup> Sermone 24.  
<sup>h</sup> Onomast l.

8.c.6.p.384.  
<sup>i</sup> Demost. p.

718.n.29.  
<sup>k</sup> Pand. Prio.

p.100.  
<sup>l</sup> Dem. p.620.

n.78.  
Here follow.

eth the termes  
promiscuous,

private and  
publique,

which are pub-  
lique and law

full for any to  
prosecute. See

Pollux, pag.  
386.

they forbad to speak false, and yet did in *ἡ καταλείπειν* (if any man had bargained for any thing, and another sued and doubted of the right of it, he might require the seller to confirme the lawfulnessse of the thing sold, and maintaine it against all controuersie, otherwise the seller was liable to *Βεβαιώσεως δίκη*. For although in *Athens* they bought for the most part *Gracâ fide*, with ready mony; as <sup>b</sup> *Scaliger* and <sup>c</sup> *Ca-  
saubon* truly interpret it, <sup>d</sup> *Turnebus*, *Representatâ pecuniâ*: yet sometime gave they *Carnist* only to make the thing sure, which the *Greeks* and *Latines* call *ἄρραβων*, from the *He-  
brew* ארר. This seemes to me to have been the hundreth part of the mony which was to be paid for the thing bought, as <sup>e</sup> *Stobæus* out of *Theophrastus*: Where you may read likewise that it was the custome, when any thing was to be sold, to bring a note thereof to the Magistrate some threescore daies before. *Εἰς ἐμφανὸν καλᾶσαι*, for the laying open of any thing, concerning which was a suit in law, by <sup>f</sup> *Pollux* his words I may conjecture, goods or mony privily taken away. *Εξαίρετος δίκη*. When any should offer to take another mans servant, and make him free against the will of the Master which the *Greeks* terme *ἰμὴ δικαίως ἐλευθερίαν ἀφελῆς*. *Αμφισβήτησις* is a suit about nearnesse of blood, in matter of inheritance, when a man dies without issue of his own body: *Πεγκαλιαβολή*, When a man went to prove that he was to challenge the inheritance of right, as near of blood, or upon some other conditions: from *πεντακατάλλειν*, because he laid downe the tenth part of the inheritance, which if he were cast in Law, he was to pay, if the cause were private, saies <sup>k</sup> *Budæus*: but if publique, the fift. <sup>l</sup> *Διαῶρτεία* When any shall protest that an inheritance doth hang in controver- sie, and is *ἐπὶ δίκῃ*, as a true heire being still alive, of which thing chiefly treats the Oration of *Demosthenes* against *Leo-  
chares*. *Επίκλησις*. When any shall try to falsifie the *διαῶρ-  
τεία*. *Αἰτλησις*. When men went to Law about kindred, as to prove themselves of such and such houses,

*Ἀπρεσασίς*

ἄλλοις. All strangers in Athens were compelled by the Law to get them Patrons ( as my most worthy School-master the glory of his time, a M<sup>r</sup> Marthens Bust hath observed, whom for honours sake I name) or else they might be questioned, and if they were convicted their goods were sold and put into the City Treasury. Ἀχαισία, of ingratitude against those who shewed not themselves thankfull to those who had well deserved of them. Ζεῖας the same with ἀπεσύσιον, when any will reckon himselfe among the number of Citizens who hath never been made free, by which he purchased imprisonment untill such time as there was a Court kept, and then he was sold. Μαρτυρία, when a man is eye witnesse of a matter. Εὐσπεία, when an other witnesses from the report of him that saw it. Ψευδομαρτυρία false witnesse, which to prosecute in Law they terme βροχή ψαδαι ψευδομαρτυρία. Λειπομαρτυρία, when one was eyewitnes and promised to testifie, yet would not appear at the appointed time, which they were wont to compell them to do, which they call κληΐδειν, after which citation the party was to be at court, or forswear that he saw not the matter, or was not present; otherwise he was to pay a thousand Drachmes, in which summe to be fined the Atticke Laywers give the appellation ἐκκήκτεδαι. Δώρων χρῆσι, when the Judges were corrupted with bribes. Δικασμὸς against those that did corrupt them. Ἀργίας of a man convinced of idleness, which once taken Draco punished the delinquent with losse of the City priviledges, Solon not unlesse hee were thrice delinquent. Λειποναυίη, when any of the Marriners ran away from their ships. Ἀναμάχη, when the Marriners that staid in the ships would not fight, if occasion required. Ψευδεγγραφίς, when any would falsely accuse, there was likewise against them a writ βροχή ψαδαι. Ψευδολογία Against those that unjustly cite to the Court. Δωροζήτις, when any is accused of encroaching into the number of Citizens, and gives gifts to escape free. Πάσανόμων, when

¶ In Epist.  
Dedic. suo  
Euchaitenſi  
præfixa ad  
Richar. Cantuarienſem  
Archiepiscopum.



any was accused of making a decree or Law contrary to former statutes. This accusation was called *ὑπομυσία* because the accuser swore that it was against the Lawes or unjust or inconvenient for the Commonwealth. *Δοκιμασία* was an examination of the Magistrates whether they were fit to govern or no. Whether the Orators were not given to Lust and incontinency, whether they had not spent their patrimonies or dealt unkindly with their parents or led a life any other waies blameable, whereupon they were discarded the priviledges of the City, and not suffered to plead or speake publickly. *Εὐδαίμων* An account of publicke offices borne, laying out of mony and dispatching Ambassages, made to the Tenne *Logista* (for the breach of which went out a Writ, *Αλογίῳ λόγῳ δίδουαι*, *Rationem reddere*) if concerning injuries given to the Judges. *Πεσολα* an accusation against those who are ill affected toward the Commonwealth, made by the decree of the people, and such as are welwishers to the state. *Πεσολαί*, likewise are accusations against men injurious *ἐξυγείσαντας*, and such as are delinquent against their festivalls, as the oration of *Demosthenes* against *Midias*. *Πεσμοσία*, An oath which the accusers tooke that he would justly accuse. *Ἀντιμυσία*, The defendants oath that he had done no wrong. *Ἐξωμυσία*, an oath of Ambassadors or men chosen for state service, that by reason of sickness they cannot give attendance. They may do it by a proxie if they please. It is likewise the oath of one called to witness, wherein he swears that he knowes nothing of the business. *Ἀππομυσία*, When others shall swear that pretended weaknes was only a shift to put off the burthen of publique office which the state laid on them. *Υππομυσία* an accusation of Law or decree unprofitable, against the motioner, as above said. *Παραγενεή & παραμαρτυρία*, when a man shall object a case not to be entred rightly, that the writ ought to be such and such, and not as it is ex. gr. for a man that runs away from the Army, which is *ἀντιστρατιώτης* and I accuse him

a Lib. Argin.  
Medianam.

b Ulpian in  
Dem. 226.

of leaving his ranke, to wit, *ἀποταξίς*, or objection of the time past within which space the suit was to be commenced, or that it should be handled in such a Court and not in such, as wilfull murder in *Areopagus* not *Palladium*, by which evasion if the case fell it was termed *ἀγροπία*. *Ἀγροπία*, when he that is sued puts in a bill against the Plaintiff in like manner. But if the Defendant (I call *ἀντηγαλαρμόν* so) were cast hee payed *ἐπωβελίαν*. \* *Μήδεια*, when a man is summoned to answer before the Arbitri a controversie, if he sweare that he is sick or pretends a journey from home, and appears not at the day appointed, he was cast in *ἐρήμη Ερεmodicio*, as if he scorned to come, or were obstinate, hee ought within ten daies to sue out *μίσσησαν*, wherein hee re-  
 proved the sentence, and made it of no effect so as it came to its first state againe. But if he could not obtaine a *μίσσησαν*, having before sworn that he would stand to the award of the Judges, their determination stood in full strength and power and he was constrained to pay a thousand drachmes, as *Ὀλπιαν*, which was the mulct appoiated by the law, for the dis-  
 charge whereof he put in good security, *ἀνπλαγχάειν δίκην*. When any was absent from the Court, or heard not his name called by the Crier to answer thereunto he was fined, as conscious of *Eremodicionum*, and if within the space of two Moneths he did not renew the suit (which is *ἀνπλαγχάειν δίκην*) he was sure to pay the fine. *Ερεσιολήψαι*, when any man will challenge out of goods forfeited and publicly sold somewhat as debt to him, or say that part belongs to him the state would narrowly search into it, which thing they terme *ερεσιολήψαι*. *Περίκλησις*, is a citing of one before the *Archon* in controversie about inheritance, or a virgin left inheritrix. Now if the Plaintiff did not warn the Defendant *ἐπιδεδιγμένον*, the suit died, and such actions are called *ἀσκλητοι δικά*. \* *Περίκλησις*, is as letting a case fall or disol-  
 ving it upon some witnes, oath, confession extorted by torments, and the like. *Εφεσις*, is an appeal from one court to

a Ulpian in Dem. 343.

b In Dem. p. 340.

c Dem. p. 623.



the other, as from the Senate to the people, and from the people to the Senate againe, or from their Judicatories as home to some forrainers in another Country. *Ἀνίστημι* & *δίκην* when there is no more fine laid upon a man then what his adverſay did *ἐπιχράζειν*, write downe at the lower end of his inditement; of which cuſtome ſomewhat hath before been ſpoken. *Βολίτε δίκην*, Againſt ſuch as ſtole oxe dung out of their neighbours lands; whence of thoſe that are put in the court for triviall matters the proverb *Βολίτε δίκην*. *Ἀσέβεια* of impiety againſt their Gods, as *Aristotle* for his hymn on *Hermias*, Tyrant of the *Atarnenſes*, which he engraved on a ſtatue at *Delphos*. For revealing myſteries, or imitating them as *Alcibiades*. Of which if a man were convicted he was put to death; as on the contrary the accuſer if he got not the better. *Προδοσία*, of being ſaſe to the ſtate, the puniſhment was death, and after that, that they ſhould be caſt out of the Territories of *Athens* unburied. \* *Ἀγχαρί*, If any owed to the City Treafury, and his name were regiſtred, and before the diſcharge of the mony his name were blotted out, they ſued him before the *Theſmotheta* *ἀγχαρί*, but if his name were never entred he was proſecuted by an *ἐφεστῆς*, *Μεταλλογῆ* proper only to ſuch as dealt in the mines, like to the Stanneries in the County of *Cornwall* my Country, and *Devonſhire* her ſiſter. \* Lyable to this Court were they who ſhould thruſt any man from his work, who ſhould dig within anothers mans liberties, who ſhould bring weapons thither, I ſuppoſe to take away Minerals by violence, who ſhould kindle any fire in the Mines, &c. who ſhould offer to take away the props that upheld the weight of the incumbent earth, which to do was death, as *Plutarch* tells us. There was likewiſe *ἀγχαρί* againſt the labourers in the Mines, who if they intended to begin a new work were to acquaint the overſeers appointed for that end by the people, that the ſoure and twentieth part of the new coine might come to the publique Treafury. Now if any preſumed

a *Aristoph.*  
Sch. p. 328.  
*Laertius* in  
vita.

\* *Dem. cont.*  
*Theocr.* pag.  
723. n. 76. 77.

b *Dem. cont.*  
*Pantæ.* p. 568.  
n. 51. 52.

c In vitis *Dem.*  
*Rhet.* p.  
453.



med to work who had not made it known to the officers, it was lawfull for any to accuse him, ἀρετὰ μεδάνη. Αργυμὸς δ. About mony put out to the mony changers. <sup>a</sup> For ἀφορμὴ <sup>a</sup> Argum among the Atticks is the same that ἐνθάκη in the lawyers of Phorm. Orat: latter time, in *Jure Græco.Rom.* Sometimes indeed they used P.554. ἀφορμὴ for meanes and sustenance, <sup>b</sup> προβολὴ εἰς τὸ ζῆν. Καταδικάσας and καταδικασάμενος <sup>c</sup> have this difference, that <sup>c</sup> κατα- <sup>b</sup> Sch. Eurip. δικάσας is the Judge that gives sentence, καταδικασάμενος <sup>d</sup> is he Med.p.368. that put in the controverfie, to be the meanes that the sen- <sup>e</sup> Ulpian in Med.p.368. tence past against the defendant. <sup>d</sup> Αφεσις is when a man <sup>d</sup> Idem in Dem.p.450. deeply indebted pretends that he is not able to discharge all, and therefore desires the people that a part thereof might be remitted.

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F I N I S.

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